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10 Attorneys for Plaintiff Wesley Beechler, on behalf of himself and all “aggrieved employees”
11 pursuant to Labor Code § 2698 *et seq.*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES—SANTA MONICA COURTHOUSE**

14 WESLEY BEECHER, on behalf of himself
15 and all “aggrieved employees” pursuant to
16 Labor Code § 2698 *et seq.*,

17 Plaintiff,

18 v.

19 SANTA MONICA BREW WORKS, a
20 California limited liability company, and
21 DOES 1 through 10, inclusive,

22 Defendants.

CASE NO: 23SMCV01768

Assigned to the Honorable H. Jay Ford III, Dept. O

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT OF PRIVATE
ATTORNEYS GENERAL ACT CLAIMS AND
DISMISSING ACTION WITH PREJUDICE**

Complaint Filed: April 24, 2023

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. On February 16, 2023 and March 15, 2023, Plaintiff Wesley Beechler (“Plaintiff”) complied with the requirements set forth in Labor Code § 2698 *et seq.*, the Labor Code Private Attorneys General Act (hereinafter, “PAGA”) by sending letters, by online submission to the Labor and Workforce Development Agency (“LWDA”) and by certified mail to Defendant Santa Monica Brew Works (“Defendant”) (hereinafter Plaintiff and Defendant are collectively referred to as the “Parties”), setting forth the facts and theories of the violations alleged against Defendant. (Declaration of Daniel F. Gaines [“Gaines Decl.”] at ¶ 6; Exhibit “B” to Gaines Decl.).

2. Plaintiff filed his Representative Action Complaint on April 24, 2023 seeking penalties pursuant to Labor Code § 2699(f) for violations of Labor Code §§ 201, 202, 226(a), 226.3, 226.7, 246, 510, 512, 558, 1194, and 2802 (“the Action”). (Gaines Decl. at ¶ 7).

3. During the course of the litigation, the Parties engaged in informal discovery and shared the information necessary for all sides to conduct a legitimate investigation into the allegations of the action and potential defenses thereto. The Parties have reached this settlement only after such discovery and investigation was performed. (Gaines Decl. at ¶¶ 8-10).

4. The Parties engaged in direct settlement discussions over the course of several months and reached a settlement of the Action which was memorialized in a Private Attorneys General Act Settlement Agreement and Release signed by all Parties. (Gaines Decl. at ¶ 11; Exhibit “C” thereto (the “Settlement Agreement”)).

5. Based on the information and documents obtained through informal discovery and during mediation, Plaintiff assessed the maximum value of the PAGA claims (without stacking) to be approximately \$79,300 (at the rate of a \$100 penalty for approximately 793 total pay periods at issue for approximately 31 aggrieved employees during the applicable time frame). (Gaines Decl. at ¶¶ 11-14).

6. Defendant denied and continues to deny any liability to Plaintiff or any other allegedly aggrieved employee for any violations alleged in the Action. (Gaines Decl. at ¶ 12).

7. The amount of the Settlement is \$50,000 which represents over 63% of the maximum recoverable discretionary penalties and includes an apportionment of attorneys' fees and costs and a General Release Payment to Plaintiff. (Gaines Decl. at ¶ 15).

8. The Parties agree that the settlement amount represents a fair compromise of the claims, including the related costs of litigation and risk. (Gaines Decl. at ¶¶ 12-15).

9. Based on their extensive experience litigating over 100 representative actions, counsel for Plaintiff believes the Settlement here is fair and reasonable and warrants approval by the Court. (Gaines Decl. at ¶¶ 2-5; Exhibit “A” to Gaines Decl.).

10. The Parties respectfully request that the Court enter the accompanying Order, approving the Settlement (attached to the Gaines Decl. as Exhibit “C”), as permitted by Labor Code § 2699(l), and dismissing this Action with prejudice. (Gaines Decl. at ¶ 16).

11. The Parties further agree that, after entry of this Order and pursuant to California Code of Civil Procedure § 664.6, the Court shall retain exclusive and continuing jurisdiction of this Action to enforce the Settlement. (Gaines Decl. at ¶ 17).

12. Plaintiff has submitted a copy of the Settlement Agreement, together with this Stipulation and the Declaration of Daniel F. Gaines, to the LWDA as required by PAGA. (Gaines Decl. at ¶ 18; Exhibit “D”).

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IT IS SO STIPULATED.

Dated: May 16, 2024

Respectfully submitted,

GAINES & GAINES, APLC

By: *Daniel F. Gaines*
Daniel F. Gaines, Esq.
Alex P. Katofsky, Esq.
Attorneys for Plaintiff

WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP

By: */s/ Matthew Oster (as authorized 5/15/2024)*
Matthew Oster, Esq.
Julian Duarte, Esq.
Attorneys for Defendant

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STIPULATION AND ORDER APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT CLAIMS AND
DISMISSING ACTION WITH PREJUDICE

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of VENTURA, State of California. I am over the age of 18 and not a party to the
3 within action; my business address is 4550 East Thousand Oaks Blvd., Suite 100, Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On May 16, 2024, I served the foregoing document described as **STIPULATION AND PROPOSED ORDER**
6 **APPROVING SETTLEMENT OF PRIVATE ATTORNEYS GENERAL ACT CLAIMS, AND DISMISSING**
7 **ACTION WITH PREJUDICE** on the interested parties in this action by placing a true copy thereof enclosed in sealed
8 envelopes addressed as follows:

9 Matthew Oster, Esq.
10 moster@wrslawyers.com
11 Julian Duarte, Esq.
12 jduarte@wrslawyers.com

13 **WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**
14 11400 West Olympic Boulevard, 9th Floor
15 Los Angeles, California 90064

16 X (BY x U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
17 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection
18 and processing correspondence for mailing. It is deposited with United States postal service on that same
19 day in the ordinary course of business. I am aware that on motion of party served, service is presumed
20 invalid if postal cancellation date or postage meter date is more that one day after date of deposit for
21 mailing in affidavit.

22 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
23 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an
24 authorized carrier or driver authorized by the express carrier to receive documents.

25 _____ (BY FACSIMILE TRANSMISSION) On _____, at _____ a.m./p.m., at Calabasas, California, I served
26 the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule
27 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was
28 (818)703-8984 and the telephone number(s) of the receiving facsimile machine was (____) ____-____. A
transmission report was properly issued by the sending facsimile machine, and the transmission was
reported as complete and without error. Copies of the facsimile transmission cover sheet and the
transmission report are attached to this proof of service.

_____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-
delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

22 X (ONLINE TO THE LWDA): I caused the above-described document to be delivered to the Labor Workforce
23 Development Agency via online process at the PAGA Filing website in accordance with the procedure
24 imposed by the LWDA.

25 _____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
26 transmission on the counsel of record listed above.

27 I certify that the above document was printed on recycled paper.
28 I declare under penalty of perjury that the foregoing is true and correct.
Executed on May 16, 2024, at Westlake Village, California.



JEREMY REYES