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Attorneys for Plaintiff ILICIA HIGGINBOTHAM
on behalf of herself and all other aggrieved employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

ILICIA HIGGINBOTHAM, an
individual, on behalf of herself and
other aggrieved employees,

Plaintiff,

vs.

NEWPORT BEACH VINEYARDS &
WINERY, LLC, a California limited
liability company; and DOES 1 through
100, inclusive,

Defendants.

CASE NO. 30-2023-01320469-CU-OE-CXC
Hon. Lon Hurwitz
Dept. CX103

**NOTICE OF LODGING REVISED
[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR COURT
APPROVAL OF PAGA SETTLEMENT**

Action filed: April 20, 2023

1 TO THE COURT, ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF
2 RECORD:

3 Pursuant to the Court's Tentative Ruling of October 11, 2024, the Plaintiff has revised the
4 [Proposed] Order Granting Plaintiff's Motion for Court Approval of PAGA Settlement (ROA
5 #56). A true and correct copy of the revised Proposed Order is attached hereto as **Exhibit 1** and
6 a redlined version is attached hereto as **Exhibit 2**, for ease of reference.

7
8 Dated: October 14, 2024

JANELLE CARNEY – ATTORNEY AT LAW, APC

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11 By:

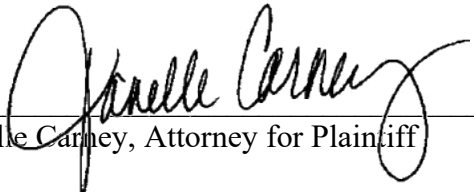

Janelle Carney, Attorney for Plaintiff

Exhibit 1

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

ILICIA HIGGINBOTHAM, an individual, on behalf of herself and other aggrieved employees,

Plaintiff,

VS.

NEWPORT BEACH VINEYARDS & WINERY, LLC, a California limited liability company; and DOES 1 through 100, inclusive,

Defendants.

CASE NO. 30-2023-01320469-CU-OE-CXC
Hon. Lon Hurwitz
Dept. CX103

**[PROPOSED] ORDER GRANTING
MOTION FOR COURT APPROVAL OF
PAGA SETTLEMENT AND JUDGMENT**

Date: October 11, 2024
Time: 1:30 p.m.
Dept. CX103

Action filed: April 20, 2023

1 This matter came on for hearing before the Honorable Lon Hurwitz Dept. CX-103 on
2 October 11, 2024 at 1:30 p.m. in the above-entitled Court located at Orange County Superior
3 Court, on Plaintiff, Ilicia Higginbotham, ("Plaintiff") Motion for Court Approval of PAGA
4 Settlement, ("PAGA Approval Motion"). Having considered the papers filed in support of the
5 motions; arguments of counsel; and all files, records, and other matters properly before the
6 Court, the Court hereby determines as follows:

7 (A) The settlement was entered into in good faith, and the terms of the settlement are
8 fair, reasonable and adequate and comply with the requirements of Labor Code § 2699, after
9 considering the maximum potential recovery, the merits of Plaintiff's claims, and the means by
10 which the parties arrived at the settlement.

11 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND**
12 **DECREED AS FOLLOWS:**

13 (1) Plaintiff's PAGA Approval Motion is **GRANTED**.

14 (2) In accordance with the Settlement Agreement (Exhibit 1 to Decl. Carney, ROA
15 #31) and Addendum to the Settlement Agreement (Exhibit 1 to Supplemental Decl. Carney,
16 ROA #49), the Gross Settlement Amount of the settlement is \$1,164.07, whereby 75% or
17 \$873.05 is directed to go to the LWDA, and 25% or \$291.02 to aggrieved employees on a *pro*
18 *rata* basis.

19 (3) Upon the Effective Date, Plaintiff, the Settlement Group Members, shall hereby
20 release the Released Parties for the Released Claims for the PAGA Period in accordance with
21 the Supplement Agreement and Addendum to the Settlement Agreement.

22 (4) Plaintiff shall provide Notice of this Order to the LWDA within 14 calendar days
23 after its entry.

24 (5) Judgment is entered into pursuant to this order, with the Court retaining
25 jurisdiction to enforce its terms pursuant to California Code of Civil Procedure section 664.6.

26 (6) A hearing for Final Accounting is set for April 4, 2025, at 1:30 p.m. I
27 Department CX 103.
28

1 (7) Plaintiff shall file a submission of a declaration regarding the final administration
2 of settlement funds no later than March 21, 2024 (14 days before the Final Accounting hearing).

3 (8) Declaration regarding mailing of settlement checks shall be filed by Defendant
4 45 days after mailing.

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8 Date: _____

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10 _____
11 Honorable Lon Hurwitz,
12 Judge of the Superior Court
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Exhibit 2

Janelle Carney, Esq. (Bar No. 201570)
Janelle@JanelleCarneyLaw.com
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14758 Pipeline Ave., Suite E, 2nd Fl.
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Telephone: (818) 914-3433 / Facsimile: (818) 914-3433
Attorneys for Plaintiff ILICIA HIGGINBOTHAM
on behalf of herself and all other aggrieved employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

ILICIA HIGGINBOTHAM, an
individual, on behalf of herself and
other aggrieved employees,

Plaintiff,

vs.

NEWPORT BEACH VINEYARDS &
WINERY, LLC, a California limited
liability company; and DOES 1 through
100, inclusive,

Defendants.

CASE NO. 30-2023-01320469-CU-OE-CXC
Hon. Lon Hurwitz
Dept. CX103

**[PROPOSED] ORDER GRANTING
MOTION FOR COURT APPROVAL OF
PAGA SETTLEMENT AND JUDGMENT**

Date: October 11, 2024
Time: 1:30 p.m.
Dept. CX103

Action filed: April 20, 2023

**[PROPOSED] ORDER GRANTING MOTION FOR COURT APPROVAL OF PAGA
SETTLEMENT AND JUDGMENT**

1 This matter came on for hearing before the Honorable Lon Hurwitz Dept. CX-103 on
2 October 11, 2024 at 1:30 p.m. ~~at a.m.~~ in the above-entitled Court located
3 at Orange County Superior Court, on Plaintiff, Ilicia Higginbotham, ("Plaintiff") Motion for
4 Court Approval of PAGA Settlement, ("PAGA Approval Motion"). Having considered the
5 papers filed in support of the motions; arguments of counsel; and all files, records, and other
6 matters properly before the Court, the Court hereby determines as follows:

7 (A) The settlement was entered into in good faith, and the terms of the settlement are
8 fair, reasonable and adequate and comply with the requirements of Labor Code § 2699, after
9 considering the maximum potential recovery, the merits of Plaintiff's claims, and the means by
10 which the parties arrived at the settlement.

11 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND**
12 **DECREED AS FOLLOWS:**

13 (1) Plaintiff's PAGA Approval Motion is **GRANTED**.

14 (2) In accordance with the Settlement Agreement (Exhibit 1 to Decl. Carney, ROA
15 #31) and Addendum to the Settlement Agreement (Exhibit 1 to Supplemental Decl. Carney,
16 ROA #49), the Gross Settlement Amount of the settlement is \$1,164.07, whereby 75% or
17 \$873.05 is directed to go to the LWDA, and 25% or \$291.02 to aggrieved employees on a *pro*
18 *rata* basis.

19 (3) Upon the Effective Date, Plaintiff, the Settlement Group Members, ~~and the State~~
20 ~~of California vis à vis the LWDA~~ shall hereby release the Released Parties for the Released
21 Claims for the PAGA Period in accordance with the Supplement Agreement and Addendum to
22 the Settlement Agreement.

23 (4) Plaintiff shall provide Notice of this Order to the LWDA within 14 calendar days
24 after its entry.

25 (5) Judgment is entered into pursuant to this order, with the Court retaining
26 jurisdiction to enforce its terms pursuant to California Code of Civil Procedure section 664.6.

27 (6) A hearing for Final Accounting is set for April 4, 2025 at 1:30 p.m. in
28

1 Department CX 103

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2 ~~(5)(7)~~ Plaintiff shall file a submission of a declaration regarding the final administration
3 of settlement funds no later than March 21, 2024 (14 days before the
4 Final Accounting hearing).

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7 ~~(6)(8)~~ Declaration regarding mailing of settlement checks shall be filed by Defendant
8 45 days after mailing.

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12 Date: _____

Honorable Lon Hurwitz,
Judge of the Superior Court

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of eighteen (18) and not a party to the within action; my business address is 14758 Pipeline Avenue, Suite E, Second Floor, Chino Hills, CA 91709-6025.

On October 14, 2024, I served the foregoing document described as:

NOTICE OF LODGING REVISED [PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR COURT APPROVAL OF PAGA SETTLEMENT

on INTERESTED PARTIES in this action by placing a copy thereof enclosed in a sealed envelope addressed as stated below:

Brian E. Cole, II
Nancy ("Niki") Lubrano
CDF LABOR LAW, LLP
18300 Von Karman Ave., Ste. 800
Irvine, CA 92612
bcole@cdfsflaborlaw.com
nlubrano@cdfsflaborlaw.com
lperez@cdfsflaborlaw.com
manderson@cdfsflaborlaw.com

XX BY E-MAIL : I served the above-mentioned document by serving electronically to each of the above recipients at their respective e-mail addresses and simultaneously sending for electronic filing. My e-address is: Jerin@JanelleCarneyLaw.com.

California Labor & Workforce Development Agency
Via Online Filing
<http://www.dir.ca.gov/private-attorneys-general-act/private-attorneys-general-act.html>

Executed on October 14, 2024 at Chino Hills, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Jerin Wilkinson