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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 RULING ON PLAINTIFF'S
MOTION FOR COURT APPROVAL OF
PAGA SETTLEMENT**

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

Action filed: April 20, 2023

1 TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on October 11, 2024, the Honorable Lon Hurwitz issued a
3 Ruling on Plaintiff's Motion for Court Approval of PAGA. A true and correct copy of which is
4 attached hereto as **Exhibit 1**.

5 PLEASE TAKE FURTHER NOTICE that Plaintiff is lodging a revised Proposed Order
6 pursuant to the Tentative Ruling.

7
8 Dated: October 14, 2024

JANELLE CARNEY – ATTORNEY AT LAW, APC

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11 By:

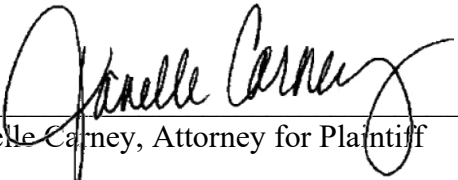

Janelle Carney, Attorney for Plaintiff

Exhibit 1

#10 Higginbotham vs. Newport Beach Vineyards & Winery, LLC 2023-01320469	Motion- Other (For Court Approval of PAGA Settlement) ANALYSIS This is the THIRD hearing on the motion for approval. It was continued on 04-26-24, and again on 08-30-24, so that counsel could address certain issues. ROA 46, 53. 1. Submission of a proposed order and judgment. RESOLVED, but needs several revisions. ROA 56. It should be styled as a proposed order and judgement, including the footer, as previously ordered. The attorney information should be removed from the caption page. It needs to identify the operative settlement by ROA number. It should not include a direct release by the state or the LWDA (§ 3). It needs to include a hearing date for a final accounting and a deadline, at least 14 calendar days in advance, for the submission of a declaration regarding the final administration of settlement funds. 2. Proof of service of all supplemental papers on the LWDA, as previously ordered. RESOLVED. This is at ROA 58. <u>RULING:</u> Plaintiff’s Motion for Approval of PAGA Settlement The court has reviewed and considered the supplemental papers filed in support of plaintiff’s motion for approval of the \$1,164.07 PAGA settlement. The court finds the papers have addressed the remaining issues and the court approves the settlement as follows:
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\$1,164.07 to be distributed as provided under PAGA. This amount shall be allocated as follows: (i) \$873.05 (75%) to the LWDA and (ii) \$291.02 (25%) to aggrieved employees.

The final accounting hearing is scheduled for April 5, 2025 at 1:30 p.m. in Department CX103. Counsel must submit a declaration from the administrator regarding distribution of the settlement funds at least fourteen (14) calendar days prior to the hearing.

Plaintiff must submit a revised proposed order and judgment, including a redline showing all changes, reflecting the above as well as the following:

1. It should be styled as a proposed order and judgement, including the footer, as previously ordered.

2. The attorney information should be removed from the caption page.

3. Identify the operative settlement by ROA number.

4. It should not include a direct release by the state or the LWDA (§ 3).

5. Include the hearing date for a final accounting and the deadline for the submission of a declaration regarding the final disbursement of settlement funds.

Plaintiff to give notice, including to the LWDA, of this ruling, and file proof of service within five (5) calendar days of the date the Order is entered.

The court does not require any physical or remote appearance at the hearing on October 11, 2024.

		If the parties do not intend to submit on the tentative, please inform the clerk by emailing her before 12:00 p.m. on the day of the hearing at CX103@occourts.org.
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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 RULING ON 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