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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

Coordination Proceeding Special Title
(Rule 3.550)

RECOLOGY WAGE AND HOUR CASES,
inclusive

Judicial Council Coordination
Proceeding No. 5251

Hon. Theodore C. Zayner

(Santa Clara County Superior Court Case No.
22CV396584)
(San Mateo County Superior Court Case No.
22-CIV-04928)

**[PROPOSED] ORDER GRANTING
JOINT STIPULATION REQUESTING
INDIVIDUAL PAGA SETTLEMENT
APPROVAL AND DISMISSAL OF THE
GIBBS ACTION**

Complaint Filed: November 21, 2022

1 Having read and considered the Joint Stipulation Requesting PAGA Settlement Approval and
2 Dismissal of the Gibbs Action (“Joint Stipulation”) of Plaintiff Roderick Gibbs and Defendants
3 Recology Inc. and South Bay Recycling LLC (“Defendants”) (collectively the “Parties”), and **GOOD**
4 **CAUSE APPEARING THEREFOR**, it is **HEREBY ORDERED, ADJUDGED** and **DECREED**
5 as follows:

6 1. The Parties’ Joint Stipulation is **GRANTED**;
7 2. For purposes of this Order, the capitalized terms shall have the meanings set forth in
8 the Joint Stipulation, which definitions are incorporated by reference herein;

9 3. The Parties’ settlement of Plaintiff’s Private Attorneys General Act (“PAGA”) claims
10 is **APPROVED** in accordance with the terms of the Joint Stipulation;

11 4. Defendants shall timely make the settlement payment described in the Joint Stipulation
12 (and, upon receipt of the money allocated to the PAGA settlement, Plaintiff’s counsel shall cause such
13 amount to be paid to the California Labor and Workforce Development Agency in accordance with
14 the terms of the Joint Stipulation);

15 5. As of the date of this Order (and provided that Defendants satisfy their obligation to
16 pay the settlement payment in accordance with the terms of the Joint Stipulation), by operation of
17 Plaintiff’s waiver and release set forth in the Joint Stipulation and pursuant to this Order, Plaintiff shall
18 be deemed to have released Defendants and the Released Parties from all Released Claims);

19 6. In accordance with the Parties’ Joint Stipulation, this Action, including all of Plaintiff’s
20 non-PAGA and PAGA claims, is **DISMISSED WITH PREJUDICE**;

21 7. This dismissal does not have a res judicata effect on those other than Plaintiff, and does
22 not bar any other allegedly aggrieved employee in this matter from pursuing their own PAGA claims;

23 8. Except as set forth in the Parties’ Joint Stipulation and the Parties’ Confidential
24 Settlement and Release Agreement, Plaintiff and Defendants shall bear his or their own attorneys’ fees
25 and costs incurred in connection with the prosecution or defense of this action; and

26 9. Even though this entire action has been, and hereby is, dismissed, the Court shall retain
27 jurisdiction to enforce the Parties’ Joint Stipulation pursuant to Code of Civil Procedure section
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664.6.

IT IS SO ORDERED.

Dated: _____

HON. THEODORE C. ZAYNER
JUDGE, SUPERIOR COURT FOR THE COUNTY
OF SANTA CLARA

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