

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 14

23STCV08795

ELIZABETH SPELMAN vs GIOVANNI PIGOZZI, et al.

May 7, 2025

8:30 AM

Judge: Honorable Cherol J. Nellon
Judicial Assistant: Hortencia Garcia
Courtroom Assistant: Lekesha Worku

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Christina Marie Coleman

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Hearing on Motion - Other to Dismiss PAGA Claim Without Prejudice (CRS #2600); Final Status Conference

The matter is called for hearing.

The Court gives an oral tentative.

Plaintiff submits to the Court's oral tentative.

The Court adopts its oral tentative as follows:

The Motion re: Dismissal of PAGA claim (CRS #2600) filed by Elizabeth Spelman on 04/10/2025 is Granted.

Case Background

This is an action for violations of the FEHA, the California Private Attorneys General Act ("PAGA"), and the Labor Code. Plaintiff alleges her employer committed various violations of the Labor Code and subjected Plaintiff to discrimination and harassment due to her gender.

On April 20, 2023, Plaintiff Elizabeth Spelman filed her Complaint against Defendants Elizabeth Spelman and BHLA Corp.

On April 10, 2025, Plaintiff filed this motion to dismiss her PAGA claims.

Instant Pleading

Plaintiff moves to dismiss her PAGA claims on the grounds that she intends to settle her individual PAGA claims.

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Deputy Sheriff: None

Decision

Plaintiff's motion to dismiss her PAGA claims is GRANTED.

Legal Standard

The Private Attorney General Act (PAGA) is authorized pursuant to Labor Code section 2699, which states:

“Notwithstanding any other provision of law, any provision of this code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency or any of its departments, divisions, commissions, boards, agencies, or employees, for a violation of this code, may, as an alternative, be recovered through a civil action brought by an aggrieved employee on behalf of himself or herself and other current or former employees pursuant to the procedures specified in Section 2699.3.”

(Lab. Code, section 2699(a).)

When a private party collects fees in the civil case:

“Except as provided in subdivision (j), civil penalties recovered by aggrieved employees shall be distributed as follows: 75 percent to the Labor and Workforce Development Agency for enforcement of labor laws, including the administration of this part, and for education of employers and employees about their rights and responsibilities under this code, to be continuously appropriated to supplement and not supplant the funding to the agency for those purposes; and 25 percent to the aggrieved employees.”

(Lab. Code, section 2699(i). See also *Amaral v. Cintas Corp. No. 2* (2008) 163 Cal.App.4th 1157, 1195 [“If an employee successfully recovers an award of civil penalties, PAGA requires that 75 percent of the recovery be paid to the Labor and Workforce Development Agency, with the remaining 25 percent going to the employee.”].)

“The superior court shall review and approve any settlement of any civil action filed pursuant to this part. The proposed settlement shall be submitted to the agency at the same time that it is submitted to the court.” (Lab. Code, § 2699(l)(1).) A court has discretion to approve any penalty amount, even \$0.00. (See *Nordstrom Commission Cases* (2010) 186 Cal.App.4th 576, 589.)

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The court in *Nordstrom Com. Cases* (2010) 186 Cal.App.4th 576, 581, set forth the rule on what a court should and may consider in determining the reasonableness of an award in a settlement with PAGA class action claims.

“ ‘The trial court has broad discretion to determine whether the settlement is fair. It should consider relevant factors, such as the strength of plaintiffs' case, the risk, expense, complexity and likely duration of further litigation, the risk of maintaining class action status through trial, the amount offered in settlement, the extent of discovery completed and the stage of the proceedings, the experience and views of counsel, the presence of a governmental participant, and the reaction of the class members to the proposed settlement.... Due regard should be given to what is otherwise a private consensual agreement between the parties. The inquiry “must be limited to the extent necessary to reach a reasoned judgment that the agreement is not the product of fraud or overreaching by, or collusion between, the negotiating parties, and that the settlement, taken as a whole, is fair, reasonable and adequate to all concerned.” ‘[A] presumption of fairness exists where: (1) the settlement is reached through arm's-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small. ‘Public policy generally favors the compromise of complex class action litigation.’ ”

(*Id.* (citations removed).)

Discussion

Plaintiff moves to dismiss her PAGA claims on the grounds that the parties agreed to a settlement wherein Plaintiff agreed to dismiss her individual PAGA claims.

Here, Plaintiff alleges the parties reached a settlement in this case wherein Plaintiff agreed to dismiss her PAGA claims. Plaintiff's counsel testifies that the parties reached settlement after participating in two private mediation sessions. (Coleman Decl., ¶¶8-9.) The parties' settlement states Plaintiff investigated her PAGA claims through discovery and did not find evidence of PAGA violations on behalf of herself or any other employees. (Motion, Exh. 1.) In consideration of Plaintiff's dismissal, the parties agreed to waive costs in this case. (*Id.*)

The Court finds the proposed settlement is reasonable because the parties reached settlement after completing discovery and after arms-length bargaining. The terms of the settlement appear fair. Therefore, the motion to dismiss Plaintiff's PAGA claims is GRANTED.

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Deputy Sheriff: None

Conclusion

Plaintiff's motion to dismiss her PAGA claims is GRANTED.

On the Court's own motion, the Jury Trial (with a 7-10 day estimate) scheduled for 05/19/2025, and Final Status Conference scheduled for 05/07/2025 are advanced to this date and vacated.

Clerk hereby gives notice.

Certificate of Mailing is attached.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 05/07/2025 David W. Slayton, Executive Officer / Clerk of Court By: <u>H. Garcia</u> Deputy
PLAINTIFF/PETITIONER: Elizabeth Spelman		
DEFENDANT/RESPONDENT: Giovanni Pigozzi, et al.		
CERTIFICATE OF MAILING		CASE NUMBER: 23STCV08795

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Hearing on Motion - Other to Dismiss PAGA Claim Without Preju...) of 05/07/2025 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

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Dated: 05/9/2025

David W. Slayton, Executive Officer / Clerk of Court

By: H. Garcia
Deputy Clerk

CERTIFICATE OF MAILING