

FILED

SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA
01/29/2025

Darrel E. Parker, Executive Officer

BY Rosales, Michael Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA BARBARA – NORTH COUNTY

YANCEY HEREDIA, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

STOWASSER BUICK-GMC, INC., a
California corporation; and DOES 1 through
100,

Defendants.

Case No. 23CV02511

*[Assigned for all purposes to the Hon. Jed
Beebe, Dept. 4]*

REPRESENTATIVE ACTION

**~~PROPOSED~~ JUDGMENT AND ORDER
GRANTING PLAINTIFF YANCEY
HEREDIA'S MOTION FOR APPROVAL
OF SETTLEMENT OF CLAIMS
BROUGHT UNDER THE PRIVATE
ATTORNEYS' GENERAL ACT,
REASONABLE ATTORNEYS' FEES,
COSTS, AND ENHANCEMENT
PAYMENT**

Date: November 21, 2024

Time: 8:30 a.m.

Dept.: 4

Action Filed: June 8, 2023

Trial Date: None Set

1 This matter came on regularly for hearing before this Court on November 21, 2024 at 8:30
2 a.m. Having considered the Parties' Settlement Agreement ("Settlement");¹ the documents and
3 evidence presented in support thereof; and recognizing the disputed factual and legal issues
4 involved in this case; the risks of further prosecution, the substantial benefits to be received by
5 the State of California and the Aggrieved Employees pursuant to the Settlement; and the fair,
6 reasonable, and adequate nature of the settlement obtained as a result of good faith arm's-length
7 negotiations between the parties, the Court hereby makes a final ruling that the Settlement is
8 approved pursuant to Labor Code section 2699(l). Good cause appearing therefor, the Court
9 hereby GRANTS Plaintiff Yancey Heredia's ("Plaintiff") Motion for Approval of Claims under
10 the Private Attorneys General Act ("Motion") and ORDERS as follows:

11 1. The "Aggrieved Employees" shall be defined as: all employees who are or were
12 employed by Defendant Stowasser Buick-GMC, Inc. ("Buick") in California and did not receive
13 a cell phone reimbursement covering any pay period during the PAGA Period.

14 2. The "PAGA Period" means March 28, 2022 to March 31, 2024.

15 3. The Court hereby approves the settlement as set forth in the Settlement as fair,
16 reasonable, and adequate, and directs the parties to effectuate the Settlement according to its
17 terms.

18 4. The Court orders that Buick shall pay the Gross Settlement Amount of \$47,500.00
19 to the Settlement Administrator, pursuant to the terms of the Settlement.

20 5. The Court hereby approves, as to form and content, the Explanatory Letter
21 submitted by the parties and included as Exhibit A to the Settlement.

22 6. The Court hereby appoints Phoenix Settlement Administrators as the Settlement
23 Administrator.

24 7. Within five (5) business days after the Effective Date, Buick shall provide the
25 Settlement Administrator with a list containing the Aggrieved Employees' names, last known
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27 ¹ All terms used in this Order shall have the same meaning as that assigned to them in the
28 Settlement Agreement, attached as Exhibit 1 to the Declaration of Neil M. Larsen submitted
concurrently with the Motion.

1 mailing addresses, last known telephone numbers, number of pay periods worked during the
2 PAGA Period, and Social Security numbers to the extent available from Buick's records, pursuant
3 to the terms of the Settlement.

4 8. The Settlement Administrator is directed to mail the Individual PAGA Payments
5 and the Explanatory Letter to the Aggrieved Employees within twenty-one (21) days of receipt
6 of the Gross Settlement Amount being fully funded, pursuant to the terms of the Settlement.

7 9. The Court finds that attorneys' fees in the amount of one-third of the Gross
8 Settlement Amount (currently estimated to be \$15,831.75) for Plaintiff's counsel, and
9 reimbursement of litigation costs up to \$7,709.16 to Plaintiff's counsel, are fair, reasonable, and
10 adequate, and orders the Settlement Administrator to distribute these payments to Plaintiff's
11 Counsel as provided for in the Settlement Agreement.

12 10. The Court orders that the Settlement Administrator shall be paid \$1,950.00 for all
13 of its work done and to be done until the completion of this matter, and finds that sum appropriate.

14 11. The Court finds that the amount of \$16,506.82, representing 75% of the
15 \$22,009.09 allocated as PAGA civil penalties under the Settlement, to be paid to the California
16 Labor and Workforce Development Agency ("LWDA") as provided for by the Settlement, is fair,
17 adequate, and reasonable, and orders that payment be made to the LWDA in accordance with the
18 terms of the Settlement Agreement. Likewise, the Court finds that the amount of \$5,502.27,
19 representing 25% of the \$22,009.09 allocated as PAGA civil penalties under the Settlement to be
20 paid to the Aggrieved Employees is fair, adequate, and reasonable.

21 12. The Court approves the scope of the release as set forth in the Settlement.
22 Following entry of this Judgment and Order and the Settlement being fully funded, Plaintiff and
23 Aggrieved Employees will have released all of the PAGA Released Claims against Buick which
24 were resolved as part of the Settlement. The PAGA Released Claims include all claims for
25 statutory penalties under the California Private Attorneys General Act, California Labor Code §
26 2698, *et seq.*, that could have been sought by the State of California Labor Commissioner for the
27 violations identified in Plaintiff's Complaint and/or in his pre-filing notice letter filed with the
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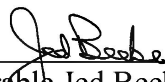
1 LWDA. The release of the PAGA Released Claims shall extend for the duration of the PAGA
2 Period.

3 13. Upon entry of this Judgment and Order, the Court permanently enjoins and forever
4 bars the Plaintiff or the Aggrieved Employees from instituting or prosecuting any of the PAGA
5 Released Claims against GMC which were resolved as part of the Settlement. Without affecting
6 the finality of this Judgment and Order in any way, the Court retains jurisdiction to enforce the
7 terms of the Settlement.

8 14. Plaintiff shall file a declaration confirming the final distribution of funds on or
9 before April 30, 2025.

10 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

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12 Dated: 01/28/2025

13 By: 
14 Honorable Jed Beebe
15 Judge of the Superior Court
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