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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF ORANGE – CIVIL COMPLEX CENTER**

13 LETICIA HERNANDEZ, individually, and
14 on behalf of all other aggrieved employees,

15 Plaintiff,

16 v.

17 YELLOW BASKET OF MENIFEE, INC., a
18 California corporation; YELLOW BASKET
19 OF SANTA ANA, INC., a California
20 corporation; YELLOW BASKET OF
21 TEMECULA, INC., a California
22 corporation; YELLOW BASKET OF
23 WILDOMAR, INC., a California
24 corporation; and DOES 1 through 50,
25 inclusive,

26 Defendants.

Case No.: 30-2023-01331657-CU-OE-CXC

[Assigned for all Purposes to Hon. Lon F.
Hurwitz, Judge Presiding]

**NOTICE OF MOTION AND MOTION IN
SUPPORT OF PLAINTIFF'S MOTION
FOR APPROVAL OF PAGA
SETTLEMENT, ATTORNEY'S FEES AND
COSTS AND SERVICE AWARD**

Date: April 19, 2024
Time: 1:30 p.m.
Dept.: CX-103

Action Filed: June 14, 2023
Trial Date: None Set

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD
HEREIN:

PLEASE TAKE NOTICE that, on April 19, 2024, at 1:30 p.m., or as the matter may be heard in Department CX-103 of the above-referenced Court, located at 751 West Santa Ana Boulevard, Santa Ana, California 92701. Plaintiff, Leticia Hernandez, shall move this Court, under *Labor Code* § 2699 (“PAGA”), for the following Order and Judgment:

- (1) Approving of the PAGA Settlement, allocation and distribution thereof;
- (2) Approving reasonable attorney’s fees in the amount of \$63,000.00 and litigation costs in the amount of \$7,474.76 to Plaintiff’s counsel, Scott E. Wheeler, of the Law Office of Scott Ernest Wheeler, pursuant to PAGA;
- (3) Approving the Representative Service Award of \$5,000 to Plaintiff, Leticia Hernandez; and
- (4) Approving Phoenix Settlement Administrators as the administrator and approving administrating costs of \$3,250.00.

This Motion is based on this Notice, the supporting Memorandum of Points and Authorities, the Settlement Agreement, Declarations of Scott Ernest Wheeler, Justin A. Wheeler, Plaintiff Leticia Hernandez, and Kevin Lee on behalf of Phoenix Settlement Administrators, the Settlement Administrator, the pleadings and records on file in this action, and any oral argument that is permitted at the hearing on the Motion.

Dated: February 21, 2024

LAW OFFICE OF SCOTT ERNEST WHEELER

By: 

Scott E. Wheeler

Attorney for Plaintiff and the Aggrieved Employees