

1 MARALLE MESSRELIAN (SBN 316974)

2 maralle@mmlawapc.com

3 MM LAW, APC

4 500 N. Brand Blvd., Ste 2000

5 Glendale, CA 91203

6 Telephone (818) 810-7747

7 Facsimile (818) 230-9018

8 Attorneys for Plaintiff,

9 AMAIRANI GOMEZ

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF ORANGE**

12 **(UNLIMITED JURISDICTION)**

13 AMAIRANI GOMEZ,

14 *Plaintiff,*

15 vs.

16 FOCUS INDUSTRIES, INC., a California
17 corporation; STAN SHIBATA, an
18 individual; and DOES 1 to 25, inclusive,

19 *Defendants.*

Case No.: 30-2023-01336931-CU-OE-CXC

**[PROPOSED] ORDER AND JUDGMENT
APPROVING PAGA SETTLEMENT**

*Assigned for All Purposes to
Hon. David Hoffer, Department CX103*

Action filed: 07/17/2023

Hearing Date: 08/08/2025

Hearing Time: 10:00 a.m.

Hearing Dept: CX103

1 The Court having considered Plaintiff's Notice of Motion and Motion to Approve PAGA
2 Settlement Agreement ("Motion"), the supporting declarations and exhibits thereto, all papers
3 filed and proceedings had herein, and the absence of any objections received from the Labor &
4 Workforce Development Agency ("LWDA") regarding the proposed Settlement, and having
5 reviewed the record in the Action, and good cause appearing,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

7 1. The Court, for purposes of this Order and Judgment, refers to all defined terms as
8 set forth in the PAGA Settlement Agreement ("Settlement") attached as Exhibit "1" to the
9 Declaration Maralle Messrelan In Support of the foregoing Motion.

10 2. The Settlement is hereby accepted and approved;

11 3. Plaintiff and all PAGA Settlement Group Members shall have, by operation of this
12 Order and Judgment, fully, finally, and forever released, relinquished, and discharged the
13 Released Parties from all Released Claims as follows:

14 **"PAGA Members"** means all persons within the State of California who are or were
15 employed by Defendants in the State of California and classified as non-exempt during the PAGA
16 Period.

17 **"Covered Period"** means the period of time April 10, 2022 through June 20, 2024.

18 **"Released Parties"** means Defendant and its past and present officers, directors,
19 shareholders, unit holders, managers, employees, agents, principals, heirs, representatives,
20 accountants, auditors, consultants, and its respective successors and predecessors in interest,
21 subsidiaries, affiliates, parents and attorneys.

22 **"Released PAGA Claims"** means all known or unknown claims for civil penalties,
23 attorneys' fees and costs, or any other relief under PAGA arising out of the Labor Code claims
24 based on any facts, claims, or theories set forth in the LWDA Notice against Defendants dated
25 April 10, 2023, including but not limited to: California Labor Code Sections §§ 201, 202, 203,
26 204, 226, 226.7, 510, 512, 558, 558.1, 1174, 1194, 1197, 1198, 2802, and IWC Wage Order 1,
27 §§7, 11-12.

28 4. The Parties shall bear their own respective attorneys' fees and costs, except as
otherwise provided for in the Settlement and approved by the Court.

5. The Settlement is not an admission by Defendant as defined below, nor is this
Order a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither
this Order, the Settlement, nor any document referred to herein, nor any action taken to carry out

1 the Settlement, may be used as an admission of any fault, wrongdoing, omission, concession, or
2 liability whatsoever by or against Defendant

3 6. Defendant shall pay the Members, Plaintiff's Counsel, the LWDA, and the
4 Settlement Administrator pursuant to the terms of the Settlement:

- 5 a. Actual administration costs of \$3,000.00 payable to the Settlement Administrator,
6 Phoenix Settlement Administrators, for administration of the Settlement;
- 7 b. Attorneys' fees to Plaintiff's Counsel in the total maximum amount of \$15,000.00;
- 8 c. Reimbursement for actual expenses incurred by Plaintiff's Counsel in the amount
9 of \$5,357.52; and
- 10 d. After deducting the foregoing payments, the estimated remainder of approximately
11 \$26,642.48 shall form the Net Settlement Amount. Pursuant to Labor Code section
12 2699(i), the Net Settlement Amount will then be distributed 75 percent
13 (\$19,981.86) to the LWDA, and the remaining 25 percent (\$6,660.62) to the PAGA
14 Members on a pro rata basis, as set forth in the Settlement Agreement. The Court
15 approves these payments, and directs the Settlement Administrator to issue checks
16 to the LWDA and PAGA Members, along with the Notice of PAGA Settlement,
17 as set forth in the Settlement Agreement, and to otherwise carry out its duties as
18 set forth in the Settlement Agreement.

19 7. The Court hereby confirms Maralle Messrelian of MM Law, APC as PAGA
20 Counsel.

21 8. The Court finds that the fees requested by Plaintiff's Counsel of \$15,000.00
22 (30% of the Gross Settlement Amount) are reasonable, and the costs requested of \$5,357.52 were
23 reasonable and necessary for the prosecution of this action. The Court hereby awards attorneys'
24 fees in the amount of \$15,000.00 and costs in the amount of \$5,357.52 to Plaintiff's Counsel for
25 their current attorneys' costs. The payment of fees and costs to Plaintiff's Counsel shall be made
26 in accordance with the terms of the Settlement.

27 9. The Court approves of the proposed letter attached as Exhibit "A" to the
28

1 Amendment to PAGA Settlement and Release Agreement (Exhibit 3 to the Supplemental
2 Declaration of Maralle Messrelian) to be sent to the PAGA Members along with their respective
3 settlement check.

4 10. This action is dismissed with prejudice.

5 11. Plaintiff shall submit a copy of this Order and Judgment to the LWDA within ten
6 calendar days after entry of the Order and Judgment.

7 12. This Court shall retain jurisdiction, pursuant to C.C.P. section 664.6, over this
8 action, the Parties, and the PAGA Members to the fullest extent necessary to interpret, enforce,
9 and effectuate the terms and intent of the Settlement and this Order and Judgment.

10 13. The Court sets a Final Report Hearing status conference re: final accounting for
11 March 16, 2026 at 10:00 a.m. At least 16 calendar days prior to the hearing, Plaintiff shall submit
12 a final report including the actual amounts paid to PAGA Members, the other amounts distributed
13 under the Settlement, and the amounts tendered to the California State Controller's Office for
14 Unclaimed Property Division.

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

16
17 DATED: _____

18 **HON. DAVID A. HOFFER**
19 **JUDGE OF THE SUPERIOR COURT**