

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 48

23STCV13080

**KORTINE HAWKINS vs PLS CHECK CASHERS OF
CALIFORNIA INC.**

October 15, 2024

8:30 AM

Judge: Honorable Thomas D. Long
Judicial Assistant: Emily Ma Reyes
Courtroom Assistant: Roger E. Lomeli

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Asil Mashiri (Telephonic) (via CourtConnect)

For Defendant(s): Timothy J. Long (via CourtConnect) (Telephonic)

**NATURE OF PROCEEDINGS: PLAINTIFF'S MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

The matter is called for hearing.

The Court issues a Tentative Ruling and hears oral argument.

The Tentative Ruling is adopted as the Final Ruling of the Court.

The PLAINTIFF'S MOTION FOR APPROVAL OF PAGA SETTLEMENT filed by Kortine Hawkins on 09/04/2024 is Granted.

On June 8, 2023, Plaintiff Kortine Hawkins filed this action against Defendant PLS Check Cashers of California, Inc. for penalties under the Private Attorney General Act ("PAGA").

The parties have agreed on the terms of a settlement. Under the proposed settlement, the Defendant will pay a PAGA Settlement Amount of \$425,000.00. Of that amount, \$148,750.00 will be paid as attorney fees, \$15,323.86 will be paid as costs, and \$6,250.00 will be paid to a settlement administrator. (See Declaration of Mashiri, Exhibit 1 ["Settlement"].) Of the remaining amount, 75-percent will be paid to the Labor and Workforce Development Agency ("LWDA") and 25-percent will be paid to the aggrieved employees on a pro rata basis.

A Court must review and approve any penalties sought as part of a proposed settlement agreement pursuant to Labor Code §2699. (Labor Code §2699, subd.[1].) "[C]ivil penalties recovered by aggrieved employees shall be distributed as follows: 75-percent to the Labor and Workforce Development Agency for enforcement of labor laws and 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

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the aggrieved employees.” (Labor Code §2699, subd.[i].)

a. Plaintiff Provided Notice of the Settlement to LWDA

A proposed PAGA settlement must be submitted to LWDA at the same time that it is submitted to the Court for review and approval. (Labor Code §2699, subd.[1][2].) Plaintiff’s Counsel attaches proof that the settlement was submitted to the LWDA at the same time the motion was filed. (Declaration of Mashiri, Exhibit 2.)

Accordingly, the Court finds that this requirement is satisfied.

b. Settlement is Entitled to Presumption of Fairness

A presumption of fairness for a settlement agreement 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. (Dunk v. Ford Motor Co. (1996) 48 Cal.App.4th 1794, 1802.) The final factor does not apply to PAGA. (See Arias v. Superior Court (2009) 46 Cal.4th 969, 984 [representative actions under PAGA do not violate the due process rights of “nonparty aggrieved employees who are not given notice of, and an opportunity to be heard”].)

The settlement was reached after a mediator’s proposal following a mediation session with Mr. Tripper Ortman, where the parties “agreed, based on the facts and evidence discussed, there could potentially be close to 11,772 covered pay periods during the PAGA Period.” (Declaration of Mashiri, ¶¶11, 15, 18.) Before mediation, Plaintiff’s Counsel “had multiple telephone conversations with defense counsel where we discussed the alleged claims, potential defenses, and Defendant’s contention that Plaintiff’s claims are subject to arbitration.” (Declaration of Mashiri, ¶11.) Counsel for both parties also “reviewed, analyzed, and discussed the time and payroll records for all 742 Aggrieved Employees to determine the viability of the claims and any anticipated defenses.” (Declaration of Mashiri, ¶14.) Counsel is very experienced in employment litigation, including PAGA cases. (See Declaration of Mashiri, ¶¶25 - 30.)

The Court finds that the settlement is entitled to a presumption of fairness.

c. Release is Permissible

If the Court approves the PAGA settlement, “all PAGA Members, through Plaintiff acting as a

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proxy for the State of California and the LWDA and as a Private Attorney General acting on behalf of all other PAGA Members, will be deemed to have fully, finally, and forever released the PLS Releasees from all Released Claims.” (Settlement at p. 7.) The “Released Claims” are “any and all claims, obligations, demands, rights, causes of action, and liabilities, for penalties under PAGA, that were asserted or could have reasonably been asserted against PLS Releasees based on the factual allegations contained in the complaint filed in the Action (see Section 24 below), the PAGA letter to the LWDA (see Section 23 below), and any amendments thereto. The Released Claims do not extend beyond claims under PAGA.” (Id. at p. 2.)

This release is limited to PAGA claims that arise from or relate to allegations in the Plaintiff’s Complaint in this action, and it is permissible.

d. Attorney Fees and Costs are Reasonable

A prevailing employee is entitled to an award of reasonable attorney fees and costs incurred in the action. (Labor Code §2699, subd.[g][1].) Plaintiff’s Counsel will receive up to \$148,750.00 (35% of the total) and actual litigation costs up to \$20,000.00.

The Court finds that the attorney fees and costs are reasonable.

e. Conclusion

Accordingly, the Motion for Approval of PAGA Settlement is hereby Granted.

Order to Show Cause Re: Dismissal (Settlement) is scheduled for 04/18/2025 at 08:30 AM in Department 48 at Stanley Mosk Courthouse.

Plaintiff is to give notice.