

FILED
Clerk of the Superior Court

AUG -6 2024

By: T. Abas

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO-CENTRAL DIVISION

SALVADOR VELEZ, in his capacity as
the State of California's designated
proxy under the Private Attorneys
General Act and on behalf of others,

Plaintiffs,

vs.

ESSEX PROPERTY TRUST, INC., et
al.

Defendants.

Case No.: 37-2023-00020787-CU-OE-
CTL

Judge: Hon. Gregory W. Pollack
Dept. 71

[PROPOSED] ORDER

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WHEREAS, on August 6, 2024, at 8:30 a.m. Plaintiff Salvador Velez individually and on behalf of himself, the State of California as its designated proxy, and Aggrieved Employees (collectively, the “Plaintiffs”) in the above referenced action, via counsel, applied ex parte before this Court for an Order to Approve the parties’ Private Attorneys General Act Settlement; and

WHEREAS, the Ex Parte Application was unopposed by Defendant.

After considering the papers filed in support of said application, and the Court record as a whole, IT IS HEREBY ORDERED that the Court GRANTS Plaintiffs’ Application to Approve the parties’ PAGA Settlement.

The Court finds the settlement is fair, adequate, and reasonable for the Aggrieved Employees as defined in Exhibit 1 attached to the Declaration of Thomas D. Rutledge filed in support of the foregoing application.

- The settlement was reached through arm’s-length bargaining (not through fraud or collusion);
- Plaintiffs’ Counsel’s investigations and discovery were sufficient to allow Plaintiffs’ Counsel and the Court to act intelligently;
- Plaintiffs’ Counsel, Thomas D. Rutledge, is well experienced in employment representative action litigation and has adequately represented the State of California and the Aggrieved Employees in this action;
- The case was complex and there was a certain amount of risk of appeals after lengthy litigation if the case did not resolve in the manner in which it resolved; and
- The settlement amount represents a fair and reasonable settlement of the claims asserted in relationship to the potential risks of continuing to litigate the matter.

1 The Court further finds that the requested attorneys' fees, costs, and litigation
2 expenses are reasonable.

3 Accordingly, IT IS FURTHER ORDERED as follows:

4 1. The Court approves the settlement of the above-captioned action as set
5 forth in the Settlement Agreement and each of its releases and other terms, as fair,
6 just, reasonable, and adequate.

7 2. The parties shall comply with all aspects of the Settlement Agreement, a
8 copy of which is attached hereto as Exhibit 1 and incorporated herein as reference as
9 though set forth in full herein.

10 3. The Court further holds Plaintiff, the State of California, and the
11 Aggrieved Employees shall be barred from pursuing any PAGA claims that are
12 covered by the release of claims in this Settlement.

13 4. The Court approves the appointment of Phoenix Class Action Settlement
14 Resolution, as the Settlement Administrator, to carry out the administration of the
15 Settlement that is consistent with the terms set forth in the Settlement Agreement.

16 5. The Court hereby enters a Judgment in this case in accordance with the
17 terms of the Settlement Agreement and this case shall be closed within 60 days from
18 the date of the filing of the entry of judgment.

19 **IT IS SO ORDERED.**

20 Dated: 8.6.24
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GREGORY W. POLLACK

22 Hon. Gregory W. Pollack
23 Judge of the Superior Court of California
24 County of San Diego
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