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8 Attorneys for Plaintiff JUAN TORRES

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES**

11 JUAN TORRES, individually and on behalf
12 of all individuals similarly situated,

13 Plaintiff,

14 vs.

15 SPIRIT CLOTHING COMPANY, a
16 California corporation; JAKE PITASZINK,
17 an individual; and DOES 1 through 50,
inclusive,

18 Defendants.
19

Case No.: 23STCV17850

[Assigned for All Purposes to the Hon.
William F. Highberger, Dept. 10]

**NOTICE OF RULING ON PLAINTIFF'S
MOTION TO APPROVE THE PRIVATE
ATTORNEYS GENERAL ACT SETTLEMENT
UNDER CAL. LABOR CODE § 2698 ET SEQ.
AND ENTRY OF ORDER AND JUDGMENT**

Date: March 11, 2024

Time: 1:30 p.m.

Dept.: 10

Complaint Filed: July 28, 2023

FAC Filed: September 12, 2023

Trial Date: None set

22 **TO THE COURT, DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

23 **PLEASE TAKE NOTICE** that on March 11, 2024 at 1:30 p.m. in Department 10 of the
24 above-entitled Court, located at 312 North Spring Street, Los Angeles, 90012, the Court heard the
25 motion of Plaintiff JUAN TORRES ("Plaintiff"), on behalf of himself and all persons similarly
26 situated pursuant to California Labor Code § 2698 *et seq.*, for an order approving the Private
27 Attorneys General Act ("PAGA") Settlement agreement between Plaintiff and Defendants SPIRIT
28

1 CLOTHING COMPANY, a California corporation, and JAKE PTASZNIK (sued as JAKE
2 PITASZINK) (“Defendants”), to accomplish the following: approve the representative action
3 settlement embodied in the PAGA Settlement Agreement; approve PAGA Counsel’s application for
4 attorney’s fees and litigation costs; approve an incentive award to Plaintiff; approve the settlement
5 administration costs to administer the PAGA settlement and enter judgment approving the
6 representative action settlement.

7 Plaintiff appeared by and through his counsel of record, Zachariah Moura of LOYR, APC, by
8 remote means. Defendants appeared by and through their counsel of record, Areen Babajanian of
9 Fisher & Phillips LLP, by remote means. After review of the motion and supporting documents, and
10 after hearing from counsel for both parties, the Court made the following rulings:

- 11 1) The Motion to Approve the Private Attorneys General Act Settlement Under California
12 Labor Code §§ 2698 et seq. filed by Juan Torres on 12/15/2023 is Granted.
- 13 2) The Order and Judgment Approving the Private Attorneys General Act Settlement Under
14 California Labor Code §§ 2698 et seq. is signed and filed this date. A superseding
15 Amended Order and Judgment Approving the Private Attorneys General Act Settlement
16 Under California Labor Code §§ 2698 et seq. was signed and filed on March 12, 2024. A
17 copy of the Entered Amended Order and Judgment is attached hereto as **Exhibit 1**.
- 18 3) A Non-Appearance Case Review Re: Disbursement of Funds is scheduled for 03/26/2025
19 at 09:00 AM in Department 10 at Spring Street Courthouse. A declaration regarding
20 disbursement of settlement funds is due on 03/19/2025.

21
22
23 DATED: March 15, 2024

LOYR, APC

24 

25 By

Young W. Ryu
Zachariah E. Moura
Kee Seok Mah

26 Attorneys for JUAN TORRES on behalf of himself and
27 others similarly situated
28

EXHIBIT 1

Electronically Received 03/11/2024 03:20 PM

FILED
Superior Court of California
County of Los Angeles
03/12/2024

David W. Slayton, Executive Officer / Clerk of Court

By: R. Aspiras Deputy

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Attorneys for Plaintiff JUAN TORRES

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JUAN TORRES, individually and on behalf of
all individuals similarly situated,

Plaintiff,

vs.

SPIRIT CLOTHING COMPANY, a California
corporation; JAKE PITASZINK, an individual;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: 23STCV17850

*[Assigned for All Purposes to the Hon.
William F. Highberger, Dept. 10]*

**~~[PROPOSED]~~ AMENDED ORDER AND
JUDGMENT APPROVING THE
PRIVATE ATTORNEYS GENERAL ACT
SETTLEMENT UNDER CALIFORNIA
LABOR CODE §§ 2698 ET SEQ.**

Date: March 11, 2024

Time: 1:30 p.m.

Dept.: 10

1 **~~[PROPOSED]~~ AMENDED ORDER AND JUDGMENT**

2 Having considered the Parties' submissions, and documents submitted in support thereof,
3 and good cause appearing, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Approve the
4 Private Attorneys General Act Settlement Agreement is **GRANTED**, as follows:

5 a) All terms used herein shall have the same meaning as defined in the Private Attorneys
6 General Act Settlement Agreement ("Settlement Agreement" or "Settlement").

7 b) The Court hereby approves the terms set forth in the Settlement Agreement and finds
8 that the Settlement is, in all respects, fair, adequate, reasonable, and just and is not arbitrary,
9 oppressive or confiscatory and directs the Parties to effectuate the Settlement according to its terms.
10 The Court finds that the Settlement has been reached as a result of informed and non-collusive
11 arm's-length negotiations. The Court further finds that the Parties have conducted extensive
12 investigation and research, and their attorneys were able to reasonably evaluate their respective
13 positions. The Court also finds that settlement now will avoid additional and potentially substantial
14 litigation costs, as well as delay and risks if the Parties were to continue to litigate the case. The
15 Court has reviewed the monetary recovery being provided as part of the Settlement and recognizes
16 the significant value accorded to Plaintiff and each Aggrieved Employee.

17 c) The Settlement is not an admission by Defendant or Released Parties as defined below,
18 nor is this Order a finding of the validity of any allegations or of any wrongdoing by Defendant or
19 Released Parties. Neither this Order, the Settlement, nor any document referred to herein, nor any
20 action taken to carry out the Settlement, may be construed as, or may be used as, an admission of
21 any fault, wrongdoing, omission, concession, or liability whatsoever by or against Defendant or
22 Released Parties.

23 d) Defendant shall pay Plaintiff, PAGA Counsel, the Settlement Administrator, the
24 Aggrieved Employees, and the LWDA pursuant to the terms of the Settlement.

25 e) The Court hereby confirms LOYR, APC as PAGA Counsel.

26 f) The Court finds that the fees requested by PAGA Counsel of 33 1/3% of the total
27 settlement amount of One Hundred Twenty Thousand Dollars and Zero Cents (\$120,000.00), which
28 is Forty Thousand Dollars and Zero Cents (\$40,000.00), is reasonable and the actual litigation

1 expenses incurred of Twelve Thousand One Hundred Forty-Three Dollars and Sixty-Five Cents
2 (\$12,143.62) as reasonable and necessary for the prosecution of this action. The Court hereby
3 awards attorneys' fees in the amount of \$40,000.00 and costs in the amount of \$12,143.62 to PAGA
4 Counsel for their attorneys' fees and costs. The payment of fees and costs to PAGA Counsel shall
5 be made in accordance with the terms of the Settlement.

6 g) The Court awards an incentive award to Plaintiff of \$5,000.00 in recognition of his status
7 as the aggrieved employee responsible for bringing this PAGA Action and achieving this
8 Settlement, as well as for executing a general release and Civil Code § 1542 waiver.

9 h) The Court finds that the Administration costs of \$3,500.00 is reasonable and the Court
10 hereby awards administrator costs in the amount of \$3,500.00 to Phoenix Class Action Settlement
11 Administration Solutions.

12 i) The Court further orders, adjudges and decrees that upon the Effective Date, Plaintiff
13 and the State of California release and discharge Defendants Jake Ptasznik, Sprit Clothing
14 Company, and each of its former and present directors, officers, and employees from all claims,
15 transactions, or occurrences that occurred during the PAGA Period, and which were alleged based
16 on the facts contained in the Operative Complaint and the PAGA Notice ("Plaintiff's Release").

17 j) The Court shall have and retain continuing jurisdiction over this action and the Parties
18 including after the entry of this Order and Judgment, to the fullest extent necessary to interpret,
19 enforce and effectuate the terms and intent of the Settlement and this Order and Judgment.

20 k) This Amended Order and Judgment shall supersede any earlier entered Order and
21 Judgment in this matter.

22 **IT IS SO ORDERED.**

23
24
25 **Dated:** 03/12/2024

26 
27 **Honorable William F. Highberger**
28 **Judge of the Superior Court**

PROOF OF SERVICE

I am over 18 years old and not a party to this action. My business address is 1055 West 7th Street, Suite 2290, Los Angeles, California 90017.

On March 15, 2024, I served the following document on the interested parties as follows:

NOTICE OF RULING ON PLAINTIFF'S MOTION TO APPROVE THE PRIVATE ATTORNEYS GENERAL ACT SETTLEMENT UNDER CAL. LABOR CODE § 2698 ET SEQ. AND ENTRY OF ORDER AND JUDGMENT

Lonnie Giamela
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Attorney for defendants
SPIRIT CLOTHING COMPANY and JAKE PITASZINK

☒ **BY ELECTRONIC SERVICE:**

My electronic service address is martha.gutierrez@loywr.com. Per the parties' agreement, through their respective counsel, to accept electronic service and pursuant to California Code of Civil Procedure section 1010.6, I served the foregoing document on the interested party at the electronic service addresses (e-mail addresses) listed above and did not receive Notice of Failure

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 15, 2024, in Los Angeles, California.


Martha Gutierrez