

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Southwest District, Torrance Courthouse, Department M

23TRCV03011

JANE DOE vs CASINO SECURITY, INC.

April 15, 2025

8:30 AM

Judge: Honorable Gary Y. Tanaka

Judicial Assistant: J. Ahn

Courtroom Assistant: M. Fondon

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Blake Jones (Telephonic)

For Defendant(s): Diane M. Perri Roberts (Telephonic)

NATURE OF PROCEEDINGS: Hearing on Motion for Order Approving PAGA Settlement

Matter is called for hearing.

The above captioned motion is held.

Counsel submit on the Court's tentative ruling with the request for clarification.

The Court's tentative ruling is adopted with modification as follows:

1. Jane Doe's Motion for Approval of PAGA Settlement

Jane Doe's Motion for Approval of PAGA Settlement is granted.

Background

Plaintiff filed the Complaint on September 11, 2023. Plaintiff alleges the following facts.

Plaintiff alleges that her employer violated the Labor Code and brings this action under PAGA.

Motion for Approval of PAGA Settlement

Labor Code §2699 states, in relevant part:

“(a) Notwithstanding any other provision of law, any provision of this code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency or any of its departments, divisions, commissions, boards, agencies, or employees, for a violation of this code, may, as an alternative, be recovered through a civil action brought by an aggrieved employee on behalf of himself or herself and other current or former employees pursuant to the procedures specified in Section 2699.3. . . .

(g) Except as provided in paragraph (2), an aggrieved employee may recover the civil penalty

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described in subdivision (f) in a civil action pursuant to the procedures specified in Section 2699.3 filed on behalf of himself or herself and other current or former employees against whom one or more of the alleged violations was committed. Any employee who prevails in any action shall be entitled to an award of reasonable attorney's fees and costs, including any filing fee paid pursuant to subparagraph (B) of paragraph (1) of subdivision (a) or subparagraph (B) of paragraph (1) of subdivision (c) of Section 2699.3. . . .

(i) Except as provided in subdivision (j), civil penalties recovered by aggrieved employees shall be distributed as follows: 75 percent to the Labor and Workforce Development Agency for enforcement of labor laws, including the administration of this part, and for 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 the aggrieved employees.

(l) . . . (2) The superior court shall review and approve any settlement of any civil action filed pursuant to this part. The proposed settlement shall be submitted to the agency at the same time that it is submitted to the court. (3) A copy of the superior court's judgment in any civil action filed pursuant to this part and any other order in that action that either provides for or denies an award of civil penalties under this code shall be submitted to the agency within 10 days after entry of the judgment or order."

Labor Code §2699.3 states:

"A civil action by an aggrieved employee pursuant to subdivision (a) or (f) of Section 2699 alleging a violation of any provision listed in Section 2699.5 shall commence only after the following requirements have been met:

(1)(A) The aggrieved employee or representative shall give written notice by online filing with the Labor and Workforce Development Agency and by certified mail to the employer of the specific provisions of this code alleged to have been violated, including the facts and theories to support the alleged violation.

(B) A notice filed with the Labor and Workforce Development Agency pursuant to subparagraph (A) and any employer response to that notice shall be accompanied by a filing fee of seventy-five dollars (\$75). The fees required by this subparagraph are subject to waiver in accordance with the requirements of Sections 68632 and 68633 of the Government Code.

(C) The fees paid pursuant to subparagraph (B) shall be paid into the Labor and Workforce Development Fund and used for the purposes specified in subdivision (j) of Section 2699.

(2)(A) The agency shall notify the employer and the aggrieved employee or representative by certified mail that it does not intend to investigate the alleged violation within 60 calendar days of the postmark date of the notice received pursuant to paragraph (1). Upon receipt of that notice or if no notice is provided within 65 calendar days of the postmark date of the notice given pursuant to paragraph (1), the aggrieved employee may commence a civil action pursuant to

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Section 2699.

(B) If the agency intends to investigate the alleged violation, it shall notify the employer and the aggrieved employee or representative by certified mail of its decision within 33 calendar days of the postmark date of the notice received pursuant to paragraph (1). Within 120 calendar days of that decision, the agency may investigate the alleged violation and issue any appropriate citation. If the agency, during the course of its investigation, determines that additional time is necessary to complete the investigation, it may extend the time by not more than 60 additional calendar days and shall issue a notice of the extension. If the agency determines that no citation will be issued, it shall notify the employer and aggrieved employee of that decision within five business days thereof by certified mail. Upon receipt of that notice or if no citation is issued by the agency within the time limits prescribed by subparagraph (A) and this subparagraph or if the agency fails to provide timely or any notification, the aggrieved employee may commence a civil action pursuant to Section 2699.

(C) Notwithstanding any other provision of law, a plaintiff may as a matter of right amend an existing complaint to add a cause of action arising under this part at any time within 60 days of the time periods specified in this part.

(D) The time limits prescribed by this paragraph shall only apply if the notice required by paragraph (1) is filed with the agency on or after July 1, 2016. For notices submitted prior to July 1, 2016, the time limits in effect on the postmark date of the notice shall apply. . . .”

Plaintiff moves for an order for approval of a settlement pursuant to PAGA on behalf of any person who was employed by Defendant as an hourly-paid or non-exempt employee in the PAGA period of July 7, 2022 to December 17, 2024.

Plaintiff asserts that the parties engaged in a full session of mediation on July 10, 2024, with Hon. Michael Martus, serving as mediator. The mediation was unsuccessful, but, thereafter, the parties agreed to settle the action, subject to the Court’s approval, for the gross amount of \$85,000.00. (Decl., Blake R. Jones, ¶ 16.) The settlement was broken down in the following manner: “Gross Settlement Amount [:] \$85,000.00 [:] PAGA Counsel’s Litigation Costs[:] \$14,685.70 [:] PAGA Counsel’s Fees [:] \$28,330.50 (33.33%) [:] Administrator’s Fees[:] \$3,000.00 (not to exceed) [:] PAGA Penalties: \$38,983.80 (\$29,237.85 to the LWDA and remaining \$9,745.95 to the Aggrieved Employees)[.]” (Id.). Plaintiffs’ counsel requests \$28,330.50 as attorneys’ fees, which is 1/3 of the settlement amount. The Court finds that the requested fees and costs are reasonable based on the time spent and rate charged, and the nature and complexity of this case.

The Court finds that Plaintiff has complied with the pre-filing requirements and that the settlement amount and distributions are reasonable. The Court determines that the amount of

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requested attorneys' fees and costs are reasonable and also approves the requested attorneys' fees and costs.

Therefore, Plaintiff Jane Doe's Motion for Approval of PAGA Settlement is granted.

Plaintiff is ordered to give notice of the ruling.

The PLAINTIFF'S MOTION FOR APPROVAL OF PAGA SETTLEMENT; MEMORANDUM OF POINTS & AUTHORITIES filed by Markeisha Sanders on 03/03/2025 is Granted.

On the Court's own motion, the Case Management Conference scheduled for 04/23/2025 is advanced to this date and vacated.