

Brian J. Mankin, Esq. [CSB No. 216228]
brian@lmlfirm.com
Peter J. Carlson, Esq. [CSB No. 295611]
peter@lmlfirm.com
LAUBY, MANKIN & LAUBY LLP
5198 Arlington Avenue, PMB 513
Riverside, CA 92504
Tel: (951) 320-1444 | Fax: (951) 320-1445

Attorneys for Plaintiffs, on behalf of the State of California as the Real Party In Interest
[Additional Counsel for Plaintiffs on the Next Page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DAVID DELGADO, BRETT CONSTANT,
and LUIS ROMERO, on behalf of the State of
California as the Real Party In Interest;

Plaintiffs,

vs.

ELITE ROOTER, INC., a California
Corporation; ELITE ROOTER ORANGE,
INC., a California Corporation; ELITE
ROOTER SDN, INC., a California
Corporation; ELITE ROOTER PENINSULA,
INC., a California Corporation; ELITE
ROOTER PHOENIX, INC., a California
Corporation; ELITE ROOTER SAN JOSE,
INC., a California Corporation; ELITE
ROOTER SFV, INC., a California
Corporation; ELITE ROOTER SOUTH BAY,
INC., a California Corporation; ELITE
ROOTER FRESNO, INC., a California
Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No. 23STCV25139

*[Assigned to Hon. Richard S. Kemalyan, Dept
61, for all purposes]*

**[PROPOSED] ORDER AND JUDGMENT
GRANTING PLAINTIFF'S MOTION TO
APPROVE THE PARTIES'
SETTLEMENT AGREEMENT
PURSUANT TO THE LABOR CODE
PRIVATE ATTORNEYS GENERAL ACT
OF 2004**

Date: April 21, 2026
Time: 9:00 a.m.
Dept: 61

ADDITIONAL COUNSEL

Larry W. Lee (State Bar No. 228175)

DIVERSITY LAW GROUP, P.C.

515 S. Figueroa St., Suite 1250

Los Angeles, California 90071

(213) 488-6555

(213) 488-6554 facsimile

Edward W. Choi, Esq., SBN 211334

LAW OFFICES OF CHOI & ASSOCIATES, APLC

515 S. Figueroa Street, Suite 1250

Los Angeles, CA 90071

Telephone: (213) 381-1515

Facsimile: (213) 465-4885

edward.choi@choiandassociates.com

Brandon M. Banks, SBN 314667

BRANDON BANKS LAW, APC

3223 Webster Street

San Francisco CA 94123

Office: (415) 606-7017

Fax: (415) 358-4233

brandon@brandonbanksllaw.com

David Lee, Esq., SBN 296294

DAVID LEE LAW, APC

515 South Flower Street, Suite 1900

Los Angeles, CA 90071

Telephone: (213) 236-3536

Facsimile: (866) 658-4722

Attorneys for Plaintiffs, on behalf of the State of California as the Real Party In Interest

[PROPOSED] ORDER

Plaintiffs’ David Delgado, Brett Constant, and Luis Romero (“Plaintiffs”) Motion to Approve the Private Attorney General Act Settlement Agreement and Release (“Settlement” or “Settlement Agreement”) came on regularly for hearing on April 21, 2026. Appearances for the Plaintiff and Defendants Elite Rooter, Inc., Elite Rooter Orange, Inc., Elite Rooter SDN, Inc., Elite Rooter Peninsula, Inc., Elite Rooter Phoenix, Inc., Elite Rooter San Jose, Inc., Elite Rooter SFV, Inc., Elite Rooter South Bay, Inc., Elite Rooter Fresno, Inc. (Collectively, “Defendant”) (Plaintiffs and Defendants collectively, the “Parties”) were noted on the record.

The Court has considered the Motion, the Settlement Agreement submitted herewith, all other papers filed in this action, and any oral argument thereon.

NOW THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. Pursuant to Labor Code § 2699(1)(2), the Court approves the Settlement Agreement executed by Plaintiffs and Defendants and filed with this Court, which is incorporated herein by this reference as though set forth in full, including the settlement administration and release of claims. All defined terms contained herein shall have the same meanings as set forth in the Settlement Agreement.

2. The Court finds that the Labor & Workforce Development Agency (“LWDA”) has been given timely and proper notice of the Settlement Agreement pursuant to the Labor Code Private Attorney General Act (“PAGA”).

3. The Parties are hereby ordered to carry out the terms of the Settlement Agreement. Defendant is hereby ordered to fund the Gross Settlement Amount of \$200,000.00 as set forth in the Settlement Agreement.

4. Pursuant to the terms of the Settlement Agreement and Labor Code § 2699(i), the Maximum Settlement Amount of \$200,000.00 shall be distributed as follows:

- \$5,000.00 each to Plaintiffs David Delgado, Brett Constant, and Luis Romero for acting as a named plaintiff and in exchange for a general release and waiver of Civil Code § 1542;
- \$66,666.67 to Plaintiffs’ Counsel as attorneys’ fees;

- \$15,782.82 to Plaintiffs' Counsel as costs;
- \$3,250.00 to Phoenix Settlement Administrators as the Settlement Administrator, who is hereby ordered to administer the Settlement;
- The remainder, or the Net PAGA Settlement Amount, after the above deductions shall be distributed 75% (\$74,475.39) to the Labor & Workforce Development Agency and 25% (\$24,825.13) to the Aggrieved Employees based on the formula set forth in the Settlement Agreement.

5. JUDGMENT IS ENTERED thereon pursuant to the terms of the Settlement Agreement. Other than as expressly provided in the Settlement Agreement, both Parties shall bear their own costs and fees.

6. Pursuant to Code of Civil Procedure § 664.6, this Court shall have and retain continuing jurisdiction over this action to enforce the terms of the Parties' Settlement Agreement.

7. Pursuant to Labor Code § 2699(1)(3), Plaintiffs shall submit a copy of this Order and Judgment to the LWDA within 10 days of entry of this Order and Judgment.

IT IS SO ORDERED AND ADJUDGED.

DATED: _____

Honorable Richard S. Kemalyan
Judge of the Superior Court