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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

(UNLIMITED JURISDICTION)

SAHID IRAD MAGANA SEGURA,

Plaintiff,

vs.

DWH RESTAURANTS, INC.; DANIEL
WILLIAM HOLDER.; and DOES 1 to 25,
inclusive,

Defendants.

Case No.: 24CV428664

**[PROPOSED] ORDER AND JUDGMENT
APPROVING PAGA SETTLEMENT**

Action filed: January 5, 2024

Hearing Date: October 2, 2025

Hearing Time: 1:30 p.m.

Hearing Dept: 7, Hon. Charles F. Adams

1 The Motion of Plaintiff Sahid Irad Magana Segura (“Plaintiff”) for Approval of Settlement
2 under the Private Attorneys General Act of 2004 (“PAGA”), came before this Court on October
3 2, 2025.

4 Plaintiff’s Complaint seeks civil penalties on behalf of the State of California and
5 similarly situated aggrieved employees, as authorized by PAGA under Labor Code § 2699, in
6 relation to alleged violations of the predicate statutes set forth in Plaintiff’s Complaint and the
7 letter to the Labor Workforce and Development Agency (“LWDA”) dated September 26, 2023
8 (the “PAGA Notice”), on behalf of all persons within the State of California who are or were
9 employed by Defendant DWH Restaurants, Inc. (“Defendant” or “DWH”) during the PAGA
10 Period of September 26, 2022 to March 12, 2025 (the “Aggrieved Employees”).

11 Under PAGA, in any action brought by an aggrieved employee, the Court “shall review
12 and approve any settlement of any civil action filed pursuant to this part.” Lab. Code §
13 2699(l)(2). Accordingly, the Court, having considered the proposed settlement set forth in the
14 Settlement Agreement, including the proposed PAGA penalties, under Labor Code §
15 2699(l)(2), having considered the papers filed in support of the proposed settlement and the
16 arguments of counsel, and good cause appearing, HEREBY ORDERS AS FOLLOWS:

- 17 1. The Court finds the instant Action presents a good faith dispute of the claims alleged;
- 18 2. The Court finds in favor of settlement approval, and therefore approves the Settlement
19 of the above-captioned action, as set forth in the Settlement Agreement and each of the releases and
20 other terms, as fair, just, reasonable, and adequate;
- 21 3. The Court finds further that Plaintiff, acting on behalf of himself and the State of
22 California, by operation of this Order and Judgment hereby releases and forever discharges
23 Defendants and the Released Parties (as defined in the Settlement Agreement) from any and all
24 Released Claims (as defined in the Settlement Agreement) including penalties asserted in Plaintiff’s
25 Complaint, including any and all known and unknown claims for civil penalties under the Private
26 Attorneys General Act, California Labor Code §§ 2698, *et seq.*, that arise;
- 27
- 28

1 4. The Court finds further that the foregoing release shall be binding on Plaintiff and the
2 State of California, and shall bar any claim under PAGA brought by any person, including the Aggrieved
3 Employees, on behalf of the State of California, as to the Released Claims and Released Parties;

4 5. The Parties are directed to comply with all terms of the Settlement Agreement, and
5 Defendants are directed to make all payments required by the Settlement Agreement;

6 6. Under the Settlement Agreement, Defendant agrees to pay a maximum sum of One
7 Hundred Fifty-Seven Thousand Five Hundred Dollars (\$157,500.00) (the "Gross Settlement
8 Amount"). The Gross Settlement Amount is inclusive of payments to the LWDA, the Aggrieved
9 Employees, the PAGA Counsel Fees Payment, the PAGA Counsel Litigation Expenses Payment, and
10 the Administrator Expenses Payment. No portion of the Gross Settlement Amount will revert to
11 Defendant. Plaintiff's Counsel requests an award of attorney's fees of Fifty-Two Thousand Five
12 Hundred dollars (\$52,500.00) and litigation costs of Seven Thousand Six Dollars and Forty-Two Cents
13 (\$7,006.42). The settlement administrator ILYM Group, Inc., requests administration costs of no more
14 than Three Thousand Nine Hundred Fifty Dollars (\$3,950). Defendant does not oppose these requests.
15 The Court finds the Gross Settlement Amount is fair, reasonable and adequate, and approves each of
16 these payments, and directs the Settlement Administrator to make the above payments to payments
17 from the Gross Settlement Amount as follows:

- 18 a. \$52,500.00 in attorney's fees to Messrelian Law Inc.;
- 19 b. \$7,006.42 in litigation costs to Messrelian Law Inc.;
- 20 c. \$3,950.00 in administration costs to ILYM Group, Inc.; and
- 21 d. After deducting the foregoing payments, the estimated remainder of approximately
22 \$94,043.58 shall form the Net Settlement Amount. Pursuant to Labor Code section 2699(i), the
23 Net Settlement Amount will then be distributed 75 percent (\$70,532.69) to the LWDA, and the
24 remaining 25 percent (\$23,510.90) to the Aggrieved Employees on a pro rata basis, as set forth
25 in the Settlement Agreement. The Court approves these payments, and directs the Settlement
26 Administrator to issue checks to the LWDA and Aggrieved Employees, along with the Notice
27 of PAGA Settlement, as set forth in the Settlement Agreement, and to otherwise carry out its
28 duties as set forth in the Settlement Agreement.

1 7. The entire Action is hereby DISMISSED WITH PREJUDICE as to all parties and
2 all causes of action. The Court reserves exclusive and continuing jurisdiction over the Action and
3 the Parties pursuant to Code of Civil Procedure section 664.6 for the purpose of supervising
4 implementation, enforcement, construction, administration, and interpretation of the Settlement
5 Agreement.

6 8. The Court sets a Compliance Hearing re: Distribution on _____,
7 2026, at _____ a.m./p.m. in Department 7 of the Santa Clara Superior Court. Plaintiff shall file
8 a declaration from the settlement administrator regarding distribution at least 10 days prior to the
9 hearing.

10 **IT IS SO ORDERED, ADJUDGED AND DECREED.**

11
12 DATED: _____

HON. CHARLES F. ADAMS
JUDGE OF THE SUPERIOR COURT