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Attorneys for Plaintiff JAVARIO DATRAIL LUNA
individually, and on behalf of Aggrieved Employees
pursuant to the California Private Attorneys General Act

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

JAVARIO DATRAIL LUNA, individually,
and on behalf of Aggrieved Employees
pursuant to the California Private Attorneys
General Act,

Plaintiffs,

vs.

A-CHECK AMERICA, INC., a Delaware
corporation; STERLING INFOSYSTEMS,
INC., a Delaware corporation.; and DOES 1
through 25, inclusive,

Defendants.

Case No. CVRI2306180

Honorable Daniel Ottolia
Department 4

**SUPPLEMENTAL DECLARATION OF
ALEXANDRA ROSE IN SUPPORT OF
PLAINTIFF'S MOTION FOR APPROVAL
OF PAGA SETTLEMENT AND AWARD OF
PAGA COUNSEL FEES PAYMENT, PAGA
COUNSEL LITIGATION EXPENSES
PAYMENT, REPRESENTATIVE
PAYMENT, AND ADMINISTRATION
EXPENSES PAYMENT**

Date: December 23, 2025
Time: 8:30 a.m.
Department: 4

Complaint Filed: November 14, 2023
Trial Date: Not Set

SUPPLEMENTAL DECLARATION OF ALEXANDRA ROSE

I, Alexandra Rose, declare and state as follows:

1. I am an attorney admitted to practice in all Courts of the State of California. I am a member of Blackstone Law, APC (“PAGA Counsel”), attorneys of record for Plaintiff Javario Datrill Luna (“Plaintiff”). I have personal knowledge of the facts contained herein, and, if called to testify, I could and would competently do so.

2. On July 7, 2025, Plaintiff and Defendants A-Check America, Inc. and Sterling Infosystems, Inc. (together, “Defendants”) (collectively, the “Parties”) executed the PAGA Settlement Agreement (“Settlement”).

3. On October 10, 2025, Plaintiff filed a Motion for Approval of PAGA Settlement and Award of PAGA Counsel Fees Payment, PAGA Counsel Litigation Expenses Payment, Representative Payment, and Administration Expenses Payment (“Motion for Approval”) and supporting documents seeking approval of the Settlement.

4. On November 4, 2025, the Court issued a Tentative Ruling (“November 4, 2025 Tentative Ruling”), which ordered the Parties to limit the Releases Parties to “Defendant, its officers, directors, employees, and agents, as required under Case Management Order (CMO) Section D Para. 7(b)” and to explain the “bidding process for a settlement administrator in compliance with CMO Section D 8.a.” The Court further provided that the proposed order and judgment did not provide a date for the Final Accounting Hearing or a deadline for filing a final report “in compliance with CMO Section D.11.”

5. On November 5, 2025, the Court entered a Minute Order (“November 5, 2025 Minute Order”), which adopted the November 4, 2025 Tentative Ruling. A true and correct copy of the November 5, 2025 Minute Order is attached hereto as **Exhibit 1**.

6. On November 19, 2025, the Court entered the PAGA Case Management Order #1 (“CMO”).

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1 **RELEASED PARTIES**

2 7. CMO Section D. Para.9(b), provides that any release of claims for PAGA penalties
3 “[s]hall release only the defendant named in the complaint, together with its officers, directors,
4 employees, and agents. If any other parties are sought to be released, the application shall both (i)
5 identify those other parties by name and (ii) explain the facts that justify their inclusion.”

6 8. To address the November 5, 2025 Minute Order and CMO Section D. Para.7(b), the
7 Parties revised the definition of Released Parties to the following: “Defendants and their successors
8 (including but not limited to First Advantage), officers, directors, employees, and agents.” In
9 approximately October 2024, the company First Advantage acquired Defendant Sterling Infosystems,
10 Inc. The PAGA Period of the Settlement is September 20, 2022 to March 17, 2025. First Advantage
11 is the successor of Sterling Infosystems, Inc. and is therefore responsible for the funding of the Gross
12 Settlement Amount and should be a Released Party in the Settlement.

13 9. On December 9, 2025, the Parties entered into Amendment No. 1 to PAGA Settlement
14 Agreement (“Amendment No. 1”), which revised the definition of Released Parties in the Settlement
15 and cover letter. A true and correct copy of Amendment No. 1, fully executed by the Parties, is
16 attached hereto as **Exhibit 2**. A redline version of Amendment No. 1 along with a redline version of
17 the cover letter showing how the definition of Released Parties was revised is attached hereto as
18 **Exhibit 3**.

19 **SETTLEMENT ADMINISTRATOR BIDS**

20 10. After obtaining competing bids from multiple potential settlement administrators,
21 which included CPT Group, Inc. (\$8,000.00), Apex Class Action LLC (\$4,490.00), and ILYM Group,
22 Inc. (\$3,650.00), the Parties agreed to retain ILYM Group, Inc., which was the lowest bidder, to handle
23 the settlement administration and allocate up to Five Thousand Dollars and Zero Cents (\$5,000.00) in
24 case any unexpected costs come up.

25 **REVISED PROPOSED ORDER AND JUDGMENT**

26 11. Concurrently with the filing of this declaration, Plaintiff filed a [Revised Proposed]
27 Order and Judgment Granting Plaintiff’s Motion for Approval of PAGA Settlement and Award of
28 PAGA Counsel Fees Payment, PAGA Counsel Litigation Expenses Payment, Representative

1 Payment, and Administration Expenses Payment, which includes a date for the Final Accounting
2 Hearing and a deadline to file a final report.

3 **LWDA SUBMISSION**

4 12. On December 9, 2025, Amendment No. 1 was submitted to the LWDA via online
5 submission through the LWDA's website. A true and correct copy of the email from the LWDA
6 confirming receipt is attached hereto as **Exhibit 4**.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing
8 is true and correct.

9 Executed on December 9, 2025, at Jersey City, New Jersey.

10 

11
12

Alexandra Rose

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House

Hearing on Motion for Approval of PAGA Settlement by JAVARIO DATRAIL LUNA

11/05/2025
8:30 AM
Department 4

CVRI2306180
LUNA vs A-CHECK AMERICA, INC.

Honorable Daniel Ottolia, Judge
E. Usher, Courtroom Assistant
Court Reporter: None

APPEARANCES:

No Appearances

At 08:30 AM, the following proceedings were held:

Tentative Ruling:
Motion is continued to 12-23-25, at 8:30am, D-4.

Plaintiff to make the following corrections:

The PAGA Release is not limited to Defendant, its officers, directors, employees, and agents, as required under Case Management Order (CMO) Section D Para.7(b).

Plaintiff fails to submit a declaration from counsel explaining the bidding process for a settlement administrator in compliance with CMO Section D 8.a.

The Proposed Order does not provide a date for the Final Accounting nor a deadline for filing a final report on the amount of money distributed/uncashed in compliance with CMO Section D.11.

In accordance with California Rule of Court 3.1308 and Local Rule 3316, a tentative ruling was issued, and oral argument was not requested.

Court makes the following order(s):

Tentative ruling shall become the ruling of the court.

Hearing held and continued to 12/23/2025 at 08:30 AM in Department 4 (Pre-disposition) Continued -
Other pre-disposition hearing

Notice to be given by prevailing party.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House

Hearing on Motion for Approval of PAGA Settlement by JAVARIO DATRAIL LUNA

11/05/2025
8:30 AM
Department 4

CVRI2306180

LUNA vs A-CHECK AMERICA, INC.

Honorable Daniel Ottolia, Judge

E. Usher, Courtroom Assistant

Court Reporter: None

EXHIBIT 2

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A. Paragraph 1.25 of the Original Agreement is hereby amended to state as follows:

B. The Cover Letter attached to the Original Agreement as “Exhibit A” is hereby replaced with the revised Cover Letter attached hereto as “Exhibit A.”

Al R

Jonathan M. Genish
Miriam L. Schimmel
Joana Fang
Alexandra Rose
Jared C. Osborne
Attorneys for Plaintiff

Bret T. Jardine

A-ONE AMERICA, INC. and **STERLING**
INFOSYSTEMS, INC.

Exhibit A

To: <<First Name>><<Last Name>>
<<Street Address>>
<<City>><<State>><<Zip>>

Re: Settlement Payment for *Javario Datrail Luna v. A-Check America, Inc., et al.*, Riverside County Superior Court Case No. CVRI2306180

Dear <<First Name>><<Last Name>>:

Please find enclosed a check in the amount of <<amount of payment>> (“Individual PAGA Payment”). This check is your payment from the settlement in the lawsuit entitled *Javario Datrail Luna v. A-Check America, Inc., et al.*, Riverside County Superior Court Case No. CVRI2306180 (“Action”).

The lawsuit was filed on November 14, 2023, by Javario Datrail Luna (“Plaintiff”) against his former employers A-Check America, Inc. and Sterling Infosystems, Inc. (together, “Defendants”), on behalf of the State of California, with respect to himself and other alleged aggrieved employees, to seek recovery of civil penalties pursuant to the Private Attorneys General Act of 2004, California Labor Code § 2698, *et seq.* (“PAGA”), for multiple alleged violations of the California Labor Code and Industrial Welfare Commission Wage Orders. Prior to initiating the lawsuit, on September 6, 2023, Plaintiff submitted a letter to the California Labor and Workforce Development Agency (“LWDA”), pursuant to PAGA, to provide notice of his intent to seek civil penalties under PAGA for Defendant’s alleged violations of the California Labor Code and the applicable Industrial Welfare Commission Wage Orders (“PAGA Notice”).

Defendants deny all of Plaintiff’s allegations and deny any wrongdoing of any kind associated with Plaintiff’s allegations. A settlement was reached between Plaintiff and Defendants.

On <<Date>>, the settlement was approved by the Court, with a portion to be paid to the LWDA and a portion to be paid to current and former hourly-paid and/or non-exempt employees who worked for Defendants in the State of California during the PAGA Period (“Aggrieved Employees”). The period September 10, 2022 to March 17, 2025 is the “PAGA Period.”

You are receiving a portion of the settlement (the enclosed Individual PAGA Payment) because you have been identified as an Aggrieved Employee. Your Individual PAGA Payment is based on the total number of pay periods that you worked for Defendants in California during the PAGA Period. The Individual PAGA Payment is considered to be 100% penalties, which will be reported on an IRS Form 1099 (if applicable). You are responsible for paying any and all taxes that may be due as a result of any payment issued to you under the settlement and should consult a tax advisor regarding the tax consequences of such payment.

Under the settlement, as of <<Effective Date and full funding of the Gross Settlement Amount>>, the Released Parties were released from the Released PAGA Claims.

“Released Parties” means Defendants and their successors (including but not limited to First Advantage), officers, directors, employees, and agents.

“Released PAGA Claims” means any and all claims for PAGA penalties that were alleged, or reasonably could have been alleged, based on the facts stated in the Operative Complaint and the PAGA Notice, during the PAGA Period, irrespective of the underlying theory of recovery supporting the claim for PAGA penalties. The released claims include, but are not limited to, PAGA claims based on any alleged violation of California Labor Code §§ 201, 202, 203, 204, 226(a), 226.7, 510, 512(a), 1174(d), 1194, 1197, 1197.1, 1198, 2800, and 2802, and the applicable IWC Wage Order.

The enclosed check is valid for 180 calendar days from the original date of issuance and mailing, and if it is not cashed, deposited, or otherwise negotiated within the 180-day timeframe, it will be canceled, and the funds associated with the canceled check will be transmitted to the State Controller's Office Unclaimed Property Fund in your name and in the amount of your Individual PAGA Payment.

Do not call or write the Court, Office of the Clerk of the Court, Defendants, or Defendants' counsel to ask questions about the settlement or to ask tax-related questions. If you have any such questions, you may contact [Administrator] at [toll-free phone number].

EXHIBIT 3

1 **AMENDMENT NO. 1 TO PAGA SETTLEMENT AGREEMENT**

2 This Amendment No. 1 to PAGA Settlement Agreement is entered into between Plaintiff
3 Javario Datrail Luna (“Plaintiff”) and Defendants A-Check America, Inc. and Sterling Infosystems,
4 Inc. (together, “Defendants”) (collectively, the “Parties”) pursuant to Paragraph 10.7 of the PAGA
5 Settlement Agreement (“Original Agreement”) entered into between the Parties on July 7, 2025.

6 **A. Paragraph 1.25 of the Original Agreement is hereby amended to state as follows:**

7 “Released Parties” means Defendants and their ~~predecessors~~, successors (including but not
8 limited to First Advantage), officers, directors, employees, and agents~~subsidiaries, parent companies,~~
9 ~~other corporate affiliates, and assigns, and all of their officers, directors, employees, agents,~~
10 ~~representatives, attorneys, insurers, successors and assigns, and any other persons acting by, through,~~
11 ~~under, or in concert with any of them.~~

12 **B. The Cover Letter attached to the Original Agreement as “Exhibit A” is hereby**
13 **replaced with the revised Cover Letter attached hereto as “Exhibit A.”**

14 **FOR PLAINTIFF**

15 Dated: December __, 2025

16 _____
Jonathan M. Genish
Miriam L. Schimmel
17 Joana Fang
Alexandra Rose
18 Jared C. Osborne
Attorneys for Plaintiff

19
20 **FOR DEFENDANTS**

21 Dated: December __, 2025

22 _____
A-CHECK AMERICA, INC. and STERLING
23 INFOSYSTEMS, INC.

Exhibit A

To: <<First Name>><<Last Name>>
<<Street Address>>
<<City>><<State>><<Zip>>

Re: Settlement Payment for *Javario Datrail Luna v. A-Check America, Inc., et al.*, Riverside County Superior Court Case No. CVRI2306180

Dear <<First Name>><<Last Name>>:

Please find enclosed a check in the amount of <<amount of payment>> (“Individual PAGA Payment”). This check is your payment from the settlement in the lawsuit entitled *Javario Datrail Luna v. A-Check America, Inc., et al.*, Riverside County Superior Court Case No. CVRI2306180 (“Action”).

The lawsuit was filed on November 14, 2023, by Javario Datrail Luna (“Plaintiff”) against his former employers A-Check America, Inc. and Sterling Infosystems, Inc. (together, “Defendants”), on behalf of the State of California, with respect to himself and other alleged aggrieved employees, to seek recovery of civil penalties pursuant to the Private Attorneys General Act of 2004, California Labor Code § 2698, *et seq.* (“PAGA”), for multiple alleged violations of the California Labor Code and Industrial Welfare Commission Wage Orders. Prior to initiating the lawsuit, on September 6, 2023, Plaintiff submitted a letter to the California Labor and Workforce Development Agency (“LWDA”), pursuant to PAGA, to provide notice of his intent to seek civil penalties under PAGA for Defendant’s alleged violations of the California Labor Code and the applicable Industrial Welfare Commission Wage Orders (“PAGA Notice”).

Defendants deny all of Plaintiff’s allegations and deny any wrongdoing of any kind associated with Plaintiff’s allegations. A settlement was reached between Plaintiff and Defendants.

On <<Date>>, the settlement was approved by the Court, with a portion to be paid to the LWDA and a portion to be paid to current and former hourly-paid and/or non-exempt employees who worked for Defendants in the State of California during the PAGA Period (“Aggrieved Employees”). The period September 10, 2022 to March 17, 2025 is the “PAGA Period.”

You are receiving a portion of the settlement (the enclosed Individual PAGA Payment) because you have been identified as an Aggrieved Employee. Your Individual PAGA Payment is based on the total number of pay periods that you worked for Defendants in California during the PAGA Period. The Individual PAGA Payment is considered to be 100% penalties, which will be reported on an IRS Form 1099 (if applicable). You are responsible for paying any and all taxes that may be due as a result of any payment issued to you under the settlement and should consult a tax advisor regarding the tax consequences of such payment.

Under the settlement, as of <<Effective Date and full funding of the Gross Settlement Amount>>, the Released Parties were released from the Released PAGA Claims.

— “Released Parties” means Defendants and their ~~predecessors~~, successors (including but not limited to First Advantage), officers, directors, employees, and agents~~subsidiaries, parent companies, other corporate affiliates, and assigns, and all of their officers, directors, employees, agents, representatives, attorneys, insurers, successors and assigns, and any other persons acting by, through, under, or in concert with any of them.~~

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“Released PAGA Claims” means any and all claims for PAGA penalties that were alleged, or reasonably could have been alleged, based on the facts stated in the Operative Complaint and the PAGA Notice, during the PAGA Period, irrespective of the underlying theory of recovery supporting the claim for PAGA penalties. The released claims include, but are not limited to, PAGA claims based on any alleged violation of California Labor

Code §§ 201, 202, 203, 204, 226(a), 226.7, 510, 512(a), 1174(d), 1194, 1197, 1197.1, 1198, 2800, and 2802, and the applicable IWC Wage Order.

The enclosed check is valid for 180 calendar days from the original date of issuance and mailing, and if it is not cashed, deposited, or otherwise negotiated within the 180-day timeframe, it will be canceled, and the funds associated with the canceled check will be transmitted to the State Controller's Office Unclaimed Property Fund in your name and in the amount of your Individual PAGA Payment.

Do not call or write the Court, Office of the Clerk of the Court, Defendants, or Defendants' counsel to ask questions about the settlement or to ask tax-related questions. If you have any such questions, you may contact [Administrator] at [toll-free phone number].

EXHIBIT 4

Thank you for your Proposed Settlement Submission

Desde no-reply@formassembly.com <no-reply@formassembly.com>

Fecha Mar 9 Dic 2025 13:52

Para Karina Hernandez <khernandez@blackstonepc.com>

[External Email].

12/09/2025 01:52:01 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

On 12/09/2025 01:52:01 PM your Proposed Settlement was successfully processed for case number LWDA-CM-980015-23

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: <http://labor.ca.gov/Private Attorneys General Act.htm>