JUSTICE FOR WORKERS, P.C.
William C. Sung SB# 280792
E-Mail: william@justiceforworkers.com
Tiffany L. Luu SB# 335127
E-Mail: tluu@justiceforworkers.com
Joseph C. Ramli SB# 339491
E-Mail: jramli@justiceforworkers.com
3600 Wilshire Boulevard, Suite 1815
Los Angeles, CA 90010
Tel: 323-922-2000
Fax: 323-922-2000

Attorneys for Plaintiff JOSEPH VILLANUEVA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

JOSEPH VILLANUEVA, an individual and on behalf of all others similarly situated;

Plaintiff,

vs.

NEWPORT PACIFIC CAPITAL COMPANY, INC., a California corporation; and DOES 1 through 50,

Defendants.

Case No.: 30-2024-01380407-CU-OE-CXC

[Assigned for All Purposes to:
Hon. David A. Hoffer, Dept. CX 103]

PLAINTIFF'S SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION FOR APPROVAL OF PAGA SETTLEMENT

(Filed concurrently with Supporting Declarations and [Amended Proposed] Order)

DATE: December 14, 2026
TIME: 1:30 p.m.
DEPT: CX103
Reservation ID: Per August 24, 2026 Ruling

Action Filed: February 16, 2024
Trial Date: Not Set

TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Plaintiff Joseph Villanueva ("Plaintiff") hereby submits the Supplemental Brief in Support of Plaintiff's Motion for Approval of PAGA Settlement (the "Motion"), which addresses each of the Court's questions and comments in its ruling issued for the August 24, 2026 hearing on the Motion (the "Ruling").

The Parties have executed an Amendment to the PAGA Settlement Agreement (the "Amendment") which is attached to the Supplemental Declaration of William C. Sung ("Supp. Sung Decl.") as **Exhibit 1**. The redlined Amendment showing all edits to the original terms of the Agreement is attached to the Supp. Sung Decl. at **Exhibit 2**.

Updated Average Payment Calculations and Exposure Analysis

Due to the triggering of the Escalator Clause, Defendant has elected to end the PAGA Period on October 22, 2025. Supp. Sung Decl., ¶ 4; *see* Amendment, § I.11. According to Defendant, there are 386 Aggrieved Employees and 16,408.5 Pay Periods during the revised PAGA Period of February 16, 2023 through October 22, 2025. Supp. Sung Decl., ¶ 4.

The amount estimated in the Net Settlement Amount for the LWDA payment and the Aggrieved Employee payment is $213,769.70. Sung Decl., ¶ 5. Accordingly, approximately $53,442.43 (25% of the Net Settlement Amount) will be paid to the estimated 386 Aggrieved Employees on a pro-rata basis based on the number of pay periods each Aggrieved Employee worked during the PAGA Period, and the raw average payment to Aggrieved Employees is estimated at $138.45, with the highest payment estimated at $221.48 and the lowest payment estimated at $3.26. *Ibid.*

In the Motion, Plaintiff's counsel estimated Defendant's maximum exposure for PAGA penalties to be approximately $2,165,867.57, which was based on 15,100 pay periods. Sung Decl., ¶ 6. The updated 16,408.5 pay periods represents a 9.2% increase. *Ibid.* Applying a 9.2% increase to $2,165,867.57, the updated maximum exposure is $2,365,127.39, which is approximately 14.38% of the Gross Settlement Amount. *Ibid.*

/ / /

Considering Defendant's defenses on the merits and the potential for the Court to reduce a PAGA penalty award, Plaintiff's counsel believes there is a 75% risk factor that the Court will find some of the claims in Defendant's favor and/or exercise its discretion to reduce the PAGA penalty award. Sung Decl. at ¶ 7. Accordingly, applying a 75% discount to the maximum penalty exposure, Plaintiff's counsel believes the realistic recovery at trial on these claims to be $591,281.85. *Ibid.* The $340,000.00 settlement continues to be an excellent result and amounts to "genuine and meaningful" relief "consistent with the underlying purpose of the statute to benefit the public" as it represents approximately 57.50% of Plaintiff's realistic recovery. *Ibid.*

Other Issues Raised in the Ruling

In the Amendment, the Parties have amended the PAGA Release to state:

> Plaintiff agrees that upon entry of an Order approving the Settlement and full payment by Defendant of the Gross Settlement Amount, all Aggrieved Employees, including Plaintiff, on behalf of themselves and their respective former and current representatives, agents, attorneys, heirs, administrators, successors, and assigns, and the State of California, will release any and all PAGA Released Claims against the Released Parties that arose during the PAGA Period. Upon entry of the Order approving the Settlement and judgment entered thereon, as well as full payment by Defendant of the Gross Settlement Amount, Plaintiff and all Aggrieved Employees may be barred as a matter of law from pursuing any and all of the PAGA Released Claims that arose during the PAGA Period against the Released Parties.

Amendment, § III.7.

The Amended Proposed Order have been revised to reflect the revised PAGA Period, revisions to the PAGA Release, and other edits consistent with the Court's Ruling. *See* Amended Proposed Order, §§ 1, 5, 5.c.

On November 5, 2026, Plaintiff's served the LWDA via filing through its online portal at https://dir.govfa.net/432 (Proposed Settlement of PAGA Case) with the Ruling, the Amendment, the Supplemental Declaration of William C. Sung, and the Amended Proposed Order. Supp. Sung Decl., ¶ 9, **Exh. 4** – LWDA Filing Confirmation.

/ / /

/ / /

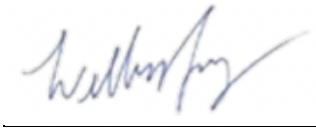
/ / /

/ / /

DATED: November 5, 2026

Respectfully submitted,

JUSTICE FOR WORKERS, P.C.

By: 

William C. Sung
Tiffany L. Luu
Joseph C. Ramli
Attorneys for Plaintiff
ROBERTO TOSCANO HERRERA