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Attorneys for Plaintiff,
PETE KASPER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

PETE KASPER, an individual, and on behalf
of all aggrieved employees

Plaintiff,

vs.

DAVENPORT HARBOR ROOM LLC, a
California corporation; SCOTT B.
DAVENPORT, an individual; and DOES 1
through 50 inclusive

Defendants.

Case No. 24STCV21453

Hon. Stephen P. Pfahler, Dept. 68

**JOINT NOTICE OF SETTLEMENT
AND STIPULATION RE COURT
APPROVAL OF PAGA SETTLEMENT;
[Proposed] ORDER GRANTING LEAVE
TO SEEK COURT APPROVAL OF
PAGA SETTLEMENT BY
STIPULATION AND ORDER**

Complaint filed: August 22, 2024

Trial Date: None Set

WHEREAS, on March 26, 2024, Plaintiff PETE KASPER (“Plaintiff”) submitted
his Notice Letter under the Private Attorney Generals Act, Labor Code section 2698 et. seq.
 (“PAGA”) to Defendants DAVENPORT HARBOR ROOM LLC and SCOTT B.
 DAVENPORT (“Defendants”) and the LWDA alleging the following violations at
 Defendant’s bar: (1) Failure to Pay Wages and Overtime Compensation and Liquidated
 Damages (Lab. Code, §§ 510, 1194, 1194.2, and 1198); (2) Failure to Pay Minimum Wages

1 and Liquidated Damages (Lab. Code, §§ 1118.12, 1194, 1194.2, 1197, 1197.1, and 1198);
2 (3) Failure to Provide Meal Periods (Lab. Code, §§ 226.7 and 512, subdivision (a), 516, and
3 1198, and Cal. Code Regs. tit. 8, § 11050, subd. (11)); (4) Failure to Provide Rest Periods
4 (Lab. Code, §§ 226.7, 516, and 1198, and Cal. Code Regs. tit. 8, § 11050, subd. (12)(A));
5 (5) Failure to Furnish Complete and Accurate Wage Statements and Maintain Accurate
6 Payroll Records (Lab. Code, § 226, subd. (a), 1174, subd. (d), and 1198); (6) Failure to
7 Provide Adequate Seating (Lab. Code, § 1198, and Cal. Code Regs. tit. 8, § 11050, subd.
8 (14)(A) and (B)); (7) Failure to Pay Wages Upon Termination of Employment (Lab. Code,
9 §§ 201, 202, and 203); and (8) Violation of Labor Code section 558; and

10 **WHEREAS**, on August 22, 2024, Plaintiff filed a complaint against Defendants
11 alleging the wrongful conduct described above, including violations of the Labor Code and
12 seeking penalties under PAGA on behalf of all aggrieved employees; and

13 **WHEREAS**, prior to and after the filing of the complaint the parties engaged in
14 informal discovery with respect to the PAGA claims and Defendants' financial condition;
15 and

16 **WHEREAS**, Plaintiff has ascertained through discovery that, between March 26,
17 2023, through June 25, 2024, there are only **ten (10) potential aggrieved employees,**
18 **including Plaintiff, with a total of only 173 pay periods;** and

19 **WHEREAS**, Plaintiff and his counsel have considered Defendants' defenses to the
20 PAGA claims and the relative time and expense of continuing to prosecute this litigation in
21 light of the small number of potentially aggrieved employees. Plaintiff has also considered
22 Defendants' intentions to file bankruptcy and Defendants' "Bankruptcy
23 Evaluation/Analysis" which asserted that unsecured creditors would receive little to
24 nothing if Defendants filed bankruptcy; and

25 **WHEREAS**, the parties participated in vigorous, arms-length negotiations between
26 approximately April, 2024 through November, 2024; and

27 **WHEREAS**, the parties desire to settle the PAGA claims in an economically
28 sensible manner for all concerned; and

1 **WHEREAS**, the parties have agreed to settle the PAGA claims alleged in the
2 complaint for a gross amount of \$10,000.00, subject to court approval, inclusive of
3 attorneys' fees in the amount of \$3,333.33, and litigation costs of \$330.65; and,

4 **WHEREAS**, the remaining PAGA Penalties Fund of \$4,997.18 will be distributed
5 as follows: 75 percent (\$3,747.89) payable to the Labor and Workforce Development
6 Agency (LWDA) and 25 percent (\$1,249.29) payable to the aggrieved employees prorated
7 based on their numbers of work weeks.

8 **WHEREAS**, the parties have agreed that Plaintiff's counsel will administer the
9 PAGA Settlement, at no charge to the State or aggrieved employees, excepting out of
10 pocket hard costs for postage and mailings, due to the prohibitive cost of engaging a claims
11 administrator for ten (10) aggrieved employees.

12 **NOW THEREFORE** the parties ask, in the interest of promptly and economically
13 resolving the PAGA claims, that the court permit them to seek court approval of this PAGA
14 settlement by stipulation in lieu of a noticed motion.

15
16 **IT IS SO STIPULATED.**

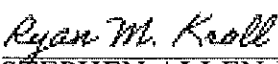
17
18 Dated: November 26, 2024

THE LAW OFFICES OF DAVID R. GREIFINGER

19
20
21 By: 
22 DAVID R. GREIFINGER
CALVIN A. MARSHALL
Attorneys for Plaintiff

23 Dated: November 26, 2024

SOLOMON, SALTSMAN, & JAMIESON

24
25 By: 
26 STEPHEN ALLEN JAMIESON
27 RYAN M. KROLL
28 Attorneys for Defendant
DAVENPORT HARBOR ROOM LLC

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Dated: November 26, 2024

By: 
SCOTT B. DAVENPORT
In Propria Persona

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[Proposed] ORDER

Having reviewed the parties’ joint stipulation and good cause being shown, the court hereby orders that the parties may seek approval of their PAGA settlement by stipulation and proposed order.

IT IS SO ORDERED

Dated: _____
Hon. Stephen P. Pfahler
Judge of the Superior Court

1
2 **PROOF OF SERVICE**

3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

4 I am employed in the State of California, County of Los Angeles. I am over the age
5 of 18 and not a party to the within lawsuit; my business address is 15515 W. Sunset
6 Boulevard, Unit 214, Pacific Palisades, CA 90272.

7 On November 27, 2024, I served the foregoing document described as **JOINT**
8 **NOTICE OF SETTLEMENT AND STIPULATION RE COURT APPROVAL OF**
9 **PAGA SETTLEMENT; [Proposed] ORDER GRANTING LEAVE TO SEEK COURT**
10 **APPROVAL OF PAGA SETTLEMENT BY STIPULATION AND ORDER**
11 on the interested parties in this action by placing [X] a true copy thereof on:

12 Stephen Allen Jamieson
13 Ryan M. Kroll
14 SOLOMON, SALTSMAN &
15 JAMIESON
16 426 Culver Blvd.
17 Playa del Rey, CA 90293
18 rkroll@ssjlaw.com

Labor and Workforce Development
Agency
(By Posting on the LWDA PAGA
Website)

19 Scott B. Davenport
20 PO BOX 466
21 Playa del Rey, CA 90293
22 Davenportsb56@gmail.com

23 [X] (BY E-MAIL ONLY): I hereby certify that this document was served from Los
24 Angeles County, California, by e-mail delivery on the parties listed herein at
25 their most recent known e-mail address or e-mail of record in this action.

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

28 Executed on November 27, 2024, at Los Angeles County, California.

Calvin A. Marshall, Esq.

Type or Print Name

/s/ Calvin A. Marshall

Signature