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JOSHUA MARTINEZ

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

JOSHUA MARTINEZ, in his
representative capacity only, and on
behalf of other aggrieved employees
pursuant to California's Private
Attorneys General Act,

Plaintiff,

v.

CAREONSITE, INC., a corporation;
and DOES 1 through 10 inclusive,

Defendants.

CASE NO.: 24STCV09662

**NOTICE OF RULING ON APRIL 29,
2025 HEARING GRANTING
APPROVAL OF PAGA SETTLEMENT**

EXHIBIT 1

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DEPARTMENT 40 LAW AND MOTION RULINGS**DEPARTMENT 40 - MICHAEL J. SHULTZ - LAW AND MOTION RULINGS**

The Court issues tentative rulings on certain motions. The tentative ruling will not become the final ruling until the hearing [see CRC 3.1308(a)(2)]. If the parties wish to submit on the tentative ruling and avoid a court appearance, all counsel must agree and choose which counsel will give notice. That counsel must 1) email Dept 40 by 8:30 a.m. on the day of the hearing (smcdept40@lacourt.org) with a copy to the other party(ies) and state that all parties will submit on the tentative ruling, and 2) serve notice of the ruling on all parties. If any party declines to submit on the tentative ruling, then no email is necessary and all parties should appear at the hearing in person or by Court Call.

Case Number: 24STCV09662 **Hearing Date:** April 29, 2025 **Dept:** 40

24STCV09662 Joshua Martinez v. Careonsite, Inc.

Tuesday, April 29, 2025

[TENTATIVE] ORDER GRANTING PLAINTIFF’S UNOPPOSED MOTION FOR APPROVAL OF PAGA SETTLEMENT

I. BACKGROUND

The first amended complaint alleges a representative action to recover civil penalties pursuant to the Private Attorneys General Act (“PAGA”) for Defendant’s alleged Labor Code Violations. The parties have settled the action and now seek the court’s approval of the settlement.

II. LEGAL STANDARDS

The court must review and approve PAGA settlements to ensure that any negotiated resolution is fair to those affected. (Lab. Code, § 2699(1)(2); [Williams v. Superior Court \(2017\) 3 Cal.5th 531, 549.](#)) The court conducts its assessment based on information “about the amount in controversy and the realistic range of outcomes.” ([Moniz v. Adecco USA, Inc. \(2021\) 72 Cal.App.5th 56, 76-77](#) [“We therefore hold that a trial court should evaluate a PAGA settlement to determine whether it is fair, reasonable, and adequate in view of PAGA’s purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws.”].) The trial court has broad discretion in approving the settlement. (*Id.* at 78.)

A presumption of fairness exists where: “(1) the settlement is reached through arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small.” ([Dunk v. Ford Motor Co. \(1996\) 48 Cal.App.4th 1794, 1802.](#)) The court may also consider other factors as this list is not exhaustive. ([Wershba v. Apple Computer, Inc. \(2001\) 91 Cal.App.4th 224, 244-245.](#))

III. DISCUSSION

Plaintiff complied with the requirement to submit a copy of the settlement agreement to the Labor and Workforce Development Agency (“LWDA”). (Lab. Code, § 2699(1)(2), (1)(4). (Decl. of George S. Azadian., Ex. 2.) The parties settled the action based on a mediator’s proposal after a full day of mediation and after the parties conducted discovery and investigation of the facts. (*Id.* at ¶ 9.)

The settlement provides for \$240,000 to be distributed as follows (*Id.* at ¶ 7.)

PAGA counsel fees (1/3 of gross settlement)	80,000.00
PAGA counsel costs and expenses	15,045.61
Settlement Administration Costs	2,500.00
Plaintiff's service award	5,000.00
TOTAL deductions	\$102,545.61

The net settlement amount to be distributed by the administrator is \$137,454.39, 75 percent of which will go to the LWDA for penalties and the remaining 25 percent distributed among 225 aggrieved employees.

IV. CONCLUSION

Based on the foregoing and because no opposition has been filed by Defendant or the LWDA, the court approves the settlement.

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I reside in the State of California. I am over the age of 18. My business address is 707 Foothill Blvd., Suite 200, La Cañada, California 91011.

On April 29, 2025, I served the foregoing documents described as:

**NOTICE OF RULING ON APRIL 29, 2025 HEARING GRANTING
APPROVAL OF PAGA SETTLEMENT**

on all interested parties in this action as follows:

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

Ann K. Smith / Sarkis A. Atoyan

12800 Center Court Drive South, Suite 300

Cerritos, California 90703-9364

ASmith@aalrr.com

Sarkis.Atoyan@aalrr.com

xxxx **BY EMAIL:** I caused a copy of the documents to be sent from email address George@azadianlawgroup.com to the persons at the email address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

xxxx **(STATE):** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 29, 2025, at La Cañada, California.



ARMINEH KALE