

EVAN S. GAINES, ESQ. SBN 287668
GAINES LAW CORPORATION
4550 E. Thousand Oaks Blvd., Suite 100
Westlake Village, CA 91362
Telephone: (805) 892-8200
Facsimile: (805) 800-8928
Email: evan@gaines.law

Attorneys for Plaintiff Kevin McDade, Jr.,
on behalf of himself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*

RYAN C. BYKERK, ESQ. SBN 274534
MATTHEW J. WEBER, ESQ. SBN 318097
GREENBERG TRAUIG, LLP
1840 Century Park East, Suite 1900
Los Angeles, CA 90067-2121
Telephone: 310-586-7700
Facsimile: 310-586-7800
E-mail: bykerkr@gtlaw.com
Matthew.Weber@gtlaw.com

Attorneys for Defendant Free Energy Savings Company, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF IMPERIAL

KEVIN MCDADE, JR., on behalf of
himself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*,

Plaintiff,

v.

FREE ENERGY SAVINGS COMPANY,
LLC, a Delaware limited liability company,
and DOES 1 through 10, inclusive,

Defendants.

CASE NO: ECU004176

*Assigned to the Honorable Judge L. Brooks
Anderholt, Dept. 9*

**STIPULATION AND [PROPOSED] ORDER
APPROVING SETTLEMENT PURSUANT TO
THE PRIVATE ATTORNEYS GENERAL
ACT**

*[Concurrently filed: Declaration of Evan S.
Gaines]*

Complaint Filed: July 7, 2025

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. On November 15, 2024, Plaintiff Kevin McDade, Jr. (“Plaintiff”) transmitted a letter to the California Labor & Workforce Development Agency (“LWDA”) and Defendant Free Energy Savings Company, LLC (“Defendant”) that Plaintiff alleges to be in compliance with the exhaustion requirements of the California Labor Code Private Attorneys General Act (“PAGA”), articulating claims related to the failure to pay premium wages for missed meal and rest breaks; reimburse for business expenses; issue accurate wage statements; and pay all wages due at the separation of employment. See Declaration of Evan S. Gaines (“Gaines Decl.”) at ¶ 6; **Exhibit B** to Gaines Decl.

2. Thereafter, and in conjunction with the Parties’ settlement, on April 7, 2025, Plaintiff transmitted a supplemental LWDA letter adding additional claims for failure to pay all minimum and overtime wages due, misclassification, and timely pay all wages due during employment. Gaines Decl. at ¶ 7; **Exhibit C** to Gaines Decl.

3. On July 7, 2025, Plaintiff filed a Representative Action Complaint in the Superior Court of the State of California for the County of Imperial, thereby commencing this Action entitled *Kevin McDade, Jr. v. Free Energy Savings Company, LLC, a Delaware limited liability company*, case number ECU004176. Plaintiff filed his Complaint on behalf of the State of California and other aggrieved employees as a PAGA action based on violations of Labor Code §§ 201, 202, 204, 216, 226(a), 226.3, 226.7, 227.3, 510, 512, 558, 1174, 1174.5, 1175, 1194, 1199, and 2802. It was uploaded to the LWDA on July 17, 2025. Gaines Decl. at ¶ 8; **Exhibit D** to Gaines Decl.

4. Defendant disputes and denies the allegations and claims asserted in the Action and deny that the Action is suitable for representative treatment. Gaines Decl. at ¶ 9.

5. During the course of the litigation, Plaintiff and Defendant (hereinafter, Plaintiff and Defendant are collectively referred to as the “Parties”) engaged in informal discovery and fully shared the information necessary for all sides to conduct a legitimate investigation into the

1 allegations of the action and potential defenses thereto. The Parties have reached their settlement
2 only after such discovery and investigation were performed. Gaines Decl. at ¶ 10.

3 6. The terms and conditions of the settlement are set forth in the PAGA Settlement
4 Agreement (“Settlement” or “Settlement Agreement”). The Settlement Agreement resolves all
5 claims asserted in the LWDA Letter and Complaint. Gaines Decl. at ¶ 11; **Exhibit E** to the Gaines
6 Decl.

7 7. Based on the information and documents obtained through informal discovery,
8 Plaintiff initially assessed the maximum value of the limited PAGA claims to be released by the
9 settlement to be approximately \$156,400 (at the rate of a \$100 penalty for approximately 1,564 pay
10 periods at issue, without stacking violations). Gaines Decl. at ¶ 12.

11 8. As set forth in the Settlement Agreement, the Gross Settlement Amount is 55,000,
12 and includes an apportionment of attorneys’ fees and costs, and payment to the settlement
13 administrator (there is no enhancement award to Plaintiff). Gaines Decl. at ¶ 13. By a separate
14 confidential agreement, the Parties have resolved all of Plaintiff’s individual claims through a
15 comprehensive general release in favor of Defendant. In connection with his general release of all
16 claims, Plaintiff will be paid a confidential sum, separate from the Gross Settlement Amount.¹ *Id.*
17 Plaintiff’s Counsel is not recovering any attorney’s fees from Plaintiff’s individual settlement. *Id.*

18 9. Based on his extensive experience litigating over 60 representative actions, counsel
19 for Plaintiff believe the settlement here is fair and reasonable and warrants approval by the Court.
20 Gaines Decl. at ¶¶ 2-5; **Exhibit A** to Gaines Decl.

21 10. Plaintiff has submitted a copy of the Settlement Agreement, together with this
22 Stipulation and Order and Judgment, and the Declaration of Evan S. Gaines, to the LWDA as
23 required by PAGA. Gaines Decl. at ¶ 14; **Exhibit F**.

24 ///

25 ///

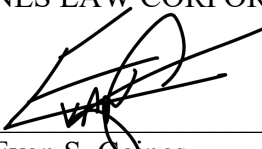
27 ¹ If the Court wishes to see the Confidential Individual Settlement Agreement, Plaintiff’s Counsel
28 will provide it for the Court’s *in camera* review.

1 11. The Parties request that the Court enter the below order approving the Settlement,
2 as permitted by Labor Code § 2699(1), and entering Judgment in accordance with the terms and
3 conditions of the Settlement Agreement. Gaines Decl. at ¶ 16.

4 **IT IS SO STIPULATED.**

5 Dated: August 15, 2025

GAINES LAW CORPORATION

6
7 By: 
8 Evan S. Gaines
9 Attorney for Plaintiff Kevin McDade, Jr.

10 Dated: August 14, 2025

GREENBERG TRAURIG, LLP

11 By: 
12 Matthew J. Weber, Esq.
13 Ryan C. Bykerk, Esq.
14 Attorneys for Defendant
15 Free Energy Savings Company, LLC
16
17
18
19
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1. The Court finds the Settlement was entered into in good faith, that the settlement is fair, reasonable, and adequate, and that the settlement satisfies the standards and applicable requirements for approval of PAGA representative actions under California law.

3. Upon entry of this Order, the Parties shall effectuate all terms of the Settlement based on the provisions and timelines set forth in the Settlement Agreement.

5. The Action is dismissed with prejudice, with all Parties to bear their separate fees and costs, except as expressly set forth in the Settlement Agreement.

Dated: _____

23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE AND CERTIFICATION

I am employed in the County of VENTURA, State of California. I am over the age of 18 and not a party to the within action; my business address is 4550 East Thousand Oaks Blvd., Suite 100, Westlake Village, CA 91362.

____ (For messenger) my business address is:

On August 15, 2025, I served the foregoing document described as **STIPULATION AND ORDER APPROVING SETTLEMENT PURSUANT TO THE PRIVATE ATTORNEYS GENERAL ACT** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Matthew J. Weber, Esq.
Ryan C. Bykerk, Esq.
Greenberg Traurig, LLP
1840 Century Park East | Suite 1900 | Los Angeles, CA 90067-2121
E-mail: bykerkr@gtlaw.com & Matthew.Weber@gtlaw.com

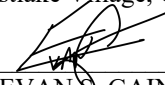
 X (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic transmission via email pursuant to an agreement between counsel on the counsel of record listed above.

 X (UPLOADED TO LWDA WEB PORTAL) I caused the above-described documents to be delivered to the Labor & Workforce Development Agency via online process at the PAGA Filing website (www.dir.ca.gov) in accordance with the procedure imposed by the LWDA.

I certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and

correct. Executed on August 15, 2025, at Westlake Village, California.



EVAN S. GAINES, ESQ.