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6 Attorneys for Plaintiff
7 RACHEL ROBERTS

F I L E D
San Diego Superior Court

FEB -8 2024

Clerk of the Superior Court
By: R. Cersosimo, Deputy

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN DIEGO**

11
12 RACHEL ROBERTS, an individual on
13 behalf of herself and others similarly situated,

14 Plaintiff,

15 vs.

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17 WESTWAYS STAFFING SERVICES, INC.;
and DOES 1 through 10 inclusive,

18 Defendants.
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Case No. 37-2022-00044619-CU-OE-CTL

*[Assigned for all purposes to the Hon.
Richard S. Whitney, Dept. C-68]*

**ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT AGREEMENT**

Reservation No. 3020006

Date: February 2, 2024
Time: 10:30 a.m.
Dept.: C-68

1 **ORDER**

2 Pending before the Court is the Motion for Preliminary Approval of Class Action and
3 PAGA Settlement Agreement (“Settlement”) filed by Plaintiff Rachel Roberts (“Plaintiff”)
4 individually and on behalf of the proposed Settlement class. Having carefully considered the
5 Motion, its supporting papers, and the arguments of counsel, the Court will GRANT the Motion.
6 Accordingly, the Court ORDERS as follows:

- 7 1. The non-reversionary gross Settlement amount of \$4,000,000 is preliminarily
8 approved;
- 9 2. An enhancement award of up to \$10,000 to Plaintiff for serving as a class representative
10 is preliminarily approved;
- 11 3. Settlement administration expenses payable to CPT Group, Inc. not to exceed \$25,000
12 are preliminarily approved;
- 13 4. Plaintiff’s attorneys’ fees in an amount up to \$1,333,333.33, which is one-third of the
14 gross Settlement amount, are preliminarily approved;
- 15 5. Plaintiff’s attorneys’ costs not to exceed \$15,000 are preliminarily approved;
- 16 6. PAGA penalties in the amount of \$100,000 are preliminarily approved;
- 17 7. The proposed Settlement Class, defined as “all non-exempt employees who worked
18 for Westways Staffing Services, Inc. in California at any time from September 5, 2021
19 through May 25, 2023, received a stipend and/or per diem, worked overtime, and had
20 the value of the stipend and/or per diem excluded from the calculation of the overtime
21 rate of pay,” is preliminarily and conditionally certified for purposes of settlement;
- 22 8. Plaintiff is preliminarily appointed the representative of the proposed Settlement Class
23 for purposes of settlement;
- 24 9. The law firm of Hayes Pawlenko LLP is preliminarily appointed counsel for the
25 proposed Settlement Class for purposes of settlement;
- 26 10. The proposed Notice, included as Exhibit A to the Settlement, is approved;


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11. The Settlement Administrator is directed to mail the Notice by First Class Mail to the Settlement Class members pursuant to the terms of the Settlement; and

12. A Final Fairness Hearing on the question of whether the Settlement should be finally approved as fair, reasonable and adequate as to the members of the proposed Settlement Class is scheduled for August 2, 2024 at 10:30 a.m. in Department C-68.

IT IS SO ORDERED.

DATED: 2-8-24



HON. RICHARD S. WHINTEY
Judge of the Superior Court

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My business address is 1414 Fair Oaks Avenue, Suite 2B South Pasadena, CA 91030.

3. I served copies of the following documents (specify the exact title of each document served):

[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AGREEMENT

4. I served the documents listed above in item 3 on the following persons at the addresses listed:

Sarah Kroll-Rosenbaum (sarah.kroll-rosenbaum@akerman.com)

Anthony D. Sbardellati (anthony.sbardellati@akerman.com)

Nancy Sotomayor (nancy.sotomayor@akerman.com)

5. **By electronic transmission via EMAIL PURSUANT TO CRC 2.251(c).**

6. I served the documents by the means described in item 5 on *(date)*: September 13, 2023

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

9/13/23

Kye D. Pawlenko

/s/Kye D. Pawlenko

DATE

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)