

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUS SALAZAR and MATTHEW
VALENCIA,

Plaintiffs,

v.

SYSCO CENTRAL CALIFORNIA, INC.,

Defendant.

No. 1:15-cv-01758-DAD-SKO

ORDER DIRECTING PARTIES TO SUBMIT
SUPPLEMENTAL BRIEFING REGARDING
APPROVAL OF SETTLEMENT

(Doc. No. 15)

On December 2, 2016, the parties filed a joint stipulation for approval of a settlement pursuant to California's Private Attorney General Act ("PAGA"). (Doc. No. 15.) Therein, the parties stated that after engaging in mediation, they agreed to a settlement of plaintiff's representative claims under PAGA. Accordingly, they now seek the court's approval of the parties' settlement as to those claims.

Under California law, the trial court must "review and approve" any settlement of claims brought pursuant to PAGA. Cal. Lab. Code § 2699(l)(2). In order to review and approve the proposed settlement agreement, however, this court must have before it a copy of the fully executed agreement, or alternatively, a sworn declaration summarizing all relevant terms of the agreement as it pertains to plaintiffs' PAGA claims. Accordingly, the court hereby orders the parties to file a copy of the proposed settlement agreement, or alternatively, a sworn declaration


1 describing all relevant terms of the agreement. In addition, the court directs the parties to submit
2 briefing regarding the appropriate standard of review this court is to apply in the considering and
3 approving a settlement agreement pertaining to PAGA claims.

4 For the reasons set forth above,

- 5 1. The parties are directed to file a supplemental brief, not to exceed five pages, by no
6 later than January 9, 2017, (a) addressing the applicable standard of review in
7 approving settlements of claims brought pursuant to PAGA, and (b) identifying
8 relevant authority, if any, to support their position; and
- 9 2. The parties are further directed to file a copy of the fully executed settlement
10 agreement,¹ or alternatively, a sworn declaration describing all relevant terms of the
11 agreement, on which the court may base its decision.

12 IT IS SO ORDERED.

13 Dated: December 21, 2016

14 
15 _____
16 UNITED STATES DISTRICT JUDGE

17
18
19
20
21
22
23
24
25
26 _____
27 ¹ To the extent the parties' settlement agreement includes provisions that do not pertain to
28 plaintiffs' PAGA claims and that do not require court approval, the parties may request to file
portions of the agreement under seal in accordance with this court's Local Rules and upon a
showing that "compelling reasons" support such secrecy. *See Kamakana v. City & Cty. of
Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006).