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E-FILED on 2/10/12

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHANG MIN LU AND LI FEN LEE, ON
BEHALF OF THEMSELVES AND ALL
SIMILARLY SITUATED OTHERS,

Plaintiff,

v.

PACIFIC RIM ENTERPRISES, FANNY
KING AND JIM SIEVERS,

Defendants.

No. C-09-6058 RMW

ORDER DENYING APPROVAL OF
SETTLEMENT

The settlement of any claim brought under the California Private Attorneys General Act (PAGA) requires court approval. *See* Cal. Lab. Code § 2699(1). In this case, the court does not feel it can approve an agreement that provides no consideration for the settlement of plaintiff's PAGA claim, yet purports to bar employees similarly situated from filing potentially valid PAGA claims without first providing them with notice. The court recognizes its concern is largely academic, but is troubled by approving a settlement in which employee claims are unknowingly dismissed with prejudice for zero dollars while a significant monetary award is allocated to the named plaintiff. The court would be happy to approve a settlement under which the PAGA claim is dismissed with prejudice as to the named plaintiff but without prejudice as to others similarly situated.

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DATED: February 10, 2012

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

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