1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 NORTHERN DISTRICT OF CALIFORNIA 8 SAN JOSE DIVISION 9 10 Case No. 5:14-cv-03331 NC GREGORIA AMAYA, 11 ORDER DISMISSING COMPLAINT Plaintiff, 12 WITH PREJUDICE v. 13 ROSE INTERNATIONAL MARKET, 14 INC.: SAIED MEHRANFAR and JAVAD M MEHRANFAR, 15 Defendants. 16 17 18 Plaintiff GREGORIA AMAYA requests that the Court dismiss defendants ROSE 19 20 INTERNATIONAL MARKET, INC.; SAIED MEHRANFAR and JAVAD M MEHRANFAR with 21 prejudice with respect to the following: (1) the Fair Labor Standards Act claims; (2) the 22 PAGA claims; and (3) the Complaint. Dkt. Nos. 40 (motion) 41 (Declaration in support). 23 All parties have consented to the jurisdiction of a magistrate judge. Dkt. Nos. 17, 19. 24 The Court GRANTS AMAYA's request as follows: 25 26 With respect to the Fair Labor Standards Claims, having reviewed the settlement 27 agreement, Dkt. No. 41-1, as well as plaintiff's counsel's declaration describing the potential 28 1

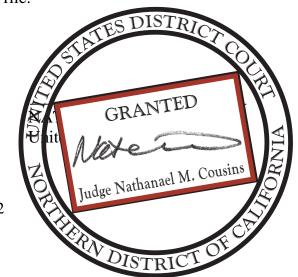
unpaid wage value (\$17,973.81) and the case's potential value with penalties (\$63,717.41), Dkt. No. 41, the Court finds the agreement terms (\$40,000.00 settlement amount) to be a "fair and reasonable resolution of a bona fide dispute" and dismisses the case. See Luo v. Zynga Inc., No. 13-cv-00186 NC, 2014 WL 457742, at *2 (N.D. Cal. Jan. 31, 2014) (internal quotation marks and citation omitted).

As to the settlement of \$500.00 for claims under the Private Attorney General Act of 2004, Cal. Labor Code 2698 et seq. the Court notes that while liability was contested the potential value of the case based on plaintiff's counsel's declaration was \$9,900.00. The Court further notes that plaintiff received value both for her wage claims and penalty claims under the \$40,000.00 settlement. See Cal. Labor Code § 2699.3 (b)(4) (noting that the Court should "ensure that the settlement provisions are at least as effective as the protections or remedies provided by state and federal law.") Because plaintiff AMAYA received value under the settlement for her wage and penalty claims, and because the amount she received was less than the total potential value of her individual claims, the Court finds the \$500.00 PAGA penalty to not be objectionable and on that basis approves the settlement and dismisses the PAGA claim with prejudice.

The Court also dismisses the entire action with prejudice with instructions to the Clerk to vacate all future dates and close the file.

IT IS SO ORDERED.

Dated: October 6, 2015



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