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10 Attorneys for Defendants
11 HYPERION MOTORS, INC.,
12 HYPERION COMPANIES, INC.,
and ANGELO KAFANTARIS

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF ORANGE**
16

17 VANESSA PEREZ, an individual; MARIO
18 CAZARES, an individual; ANTHONY
HANSELMAN, an individual; SCOTT
19 NASON, an individual; MOHAN RAO, an
individual; JANE SANDELMAN, an
20 individual; and SHANNON TABONE, an
21 individual,

22 Plaintiffs,

23 vs.

24 HYPERION MOTORS, INC., a Delaware
corporation; HYPERION COMPANIES, INC.,
25 a Delaware corporation; ANGELO
KAFANTARIS, an individual; and DOES 1
26 through 50, inclusive,

27 Defendants.
28

Case No.: 30-2020-01170764-CU-WT-CJC
Judge: Hon. David Hoffer
Dept: C42

**JOINT STIPULATION TO AMEND
ORDER GRANTING PLAINTIFFS'
MOTION FOR SETTLEMENT
APPROVAL OF CLAIMS BROUGHT
UNDER THE PRIVATE ATTORNEYS
GENERAL ACT; [~~PROPOSED~~] ORDER**

Action Filed: November 18, 2020
Trial Date: None Set

1 HYPERION MOTORS, INC., a Delaware
2 corporation; HYPERION COMPANIES, INC.,
3 a Delaware corporation; ANGELO
4 KAFANTARIS, an individual; and DOES 1
5 through 50, inclusive,

6 Cross-Complainants,

7 vs.

8 VANESSA PEREZ, an individual; MARIO
9 CAZARES, an individual; ANTHONY
10 HANSELMAN, an individual; SCOTT
11 NASON, an individual; MOHAN RAO, an
12 individual; JANE SANDELMAN, an
13 individual,

14 Cross-Defendants.

15 **TO THE COURT, ALL PARTIES AND THE PARTIES' ATTORNEYS OF RECORD:**

16 Defendants and Cross-Complainants Hyperion Motors, Inc. ("Hyperion Motors"),
17 Hyperion Companies, Inc. ("Hyperion Companies"), and Angelo Kafantaris ("Kafantaris")
18 (collectively, "Hyperion") and Plaintiffs and Cross-Defendants Vanessa Perez ("Perez"), Mario
19 Cazares ("Cazares"), Anthony Hanselman ("Hanselman"), Scott Nason ("Nason"), Mohan Rao
20 ("Rao"), Jane Sandelman ("Sandelman"), and Shannon Tabone's ("Tabone") (collectively,
21 "Plaintiffs") hereby agree and stipulate to the following. Hyperion and Plaintiffs are collectively
22 referred to herein as the Parties.

23 1. **WHEREAS**, on or about December 18, 2020, Plaintiffs filed their initial complaint
24 in the above-entitled action against Hyperion.

25 2. **WHEREAS**, on or about September 22, 2021, the Parties entered into a written
26 settlement agreement ("Settlement Agreement") on Plaintiffs' claims under the Private Attorney's
27 General Act ("PAGA").

28 3. **WHEREAS**, on or about April 18, 2022, the Court entered an Order Granting
Plaintiffs' Motion for Settlement Approval of Claims Brought Under the Private Attorneys

1 General Act and Reasonable Attorneys Fees and Costs. A true and correct copy of the April 18,
2 2022 Order is attached hereto as **Exhibit A**.

3 4. **WHEREAS**, pursuant to the Parties' Settlement Agreement and the Court's April
4 18, 2022 Order, the administration costs of the PAGA Settlement were not to exceed \$1,333.34.

5 5. **WHEREAS**, upon taking steps to initiate the administration of the settlement, the
6 Parties learned that the administration cost of \$1,333.34 were obtained in error and have since
7 obtained an updated quote of \$5,000 from third party administrator Simpluris, Inc.

8 6. **WHEREAS**, the PAGA funds are currently held in trust by Plaintiffs' counsel.

9 7. **WHEREAS**, in light of the corrected and revised administration costs, the Parties,
10 seek to amend the Court's April 18, 2022 Order as follows:

- 11 a. Administration costs not to exceed \$5,000.
- 12 b. Taking the attorney's fees in the amount of \$6,666.66 (or 1/3) of the Gross
13 Settlement Amount and the administration costs not to exceed \$5,000 into
14 account, from the Gross Settlement of \$20,000, \$8,333.34 remains to be
15 distributed as provided under PAGA. This amount shall be allocated as
16 follows: \$6,250.00 (75%) to the LWDA and \$2,083.34 (25%) to aggrieved
17 employees.
- 18 c. An Amended PAGA Settlement Notice in line with the above is attached as
19 **Exhibit B** hereto.
- 20 d. The administrator is to file a declaration no later than June 16, 2023 to
21 confirm that the distribution of funds to PAGA Members is complete,
22 including any distribution to the *cy pres* per the Settlement Agreement.
- 23 e. A final accounting hearing to be scheduled for June 16, 2023 at 9:30 a.m.,
24 or the Court's soonest available date thereafter, in Department C-16 of the
25 above-entitled Court.
- 26 f. Counsel for Plaintiffs is ordered to give notice, including to the LWDA, and
27 file proof of same.
28

1 **NOW THEREFORE:** Based on the foregoing recitals, the Parties stipulate and request
2 that the Court approve this Joint Stipulation and [Proposed] Order.

3
4 **IT IS SO STIPULATED.**

5
6 Dated: December 20, 2022

MICHELMAN & ROBINSON, LLP

7
8 By: /s/ Amanda K. Monroe, Esq.
9 Mona Z. Hanna, Esq.
10 Jeffrey D. Farrow, Esq.
11 Amanda K. Monroe, Esq.
12 Attorneys for Defendants
13 HYPERION MOTORS, INC.,
14 HYPERION COMPANIES, INC.,
15 and ANGELO KAFANTARIS

16
17 Date: December 20, 2022

MERINO YEBRI, LLP

18 By: /s/ Sam S. Yebri, Esq.
19 Sam S. Yebri, Esq.
20 Alexander M. Merino, Esq.
21 Attorneys for Plaintiffs,
22 VANESSA PEREZ, MARIO CAZARES,
23 ANTHONY HANSELMAN, SCOTT
24 NASON, MOHAN RAO, JANE
25 SANDELMAN and SHANNON TABONE

1 **[PROPOSED] ORDER ON JOINT STIPULATION**

2 Good cause appearing, the Court hereby approve this Joint Stipulation and [Proposed]
3 Order as follows:

4 The Court's April 18, 2022 Order is amended as follows:

- 5 a. Administration costs not to exceed \$5,000.
- 6 b. Taking the attorney's fees in the amount of \$6,666.66 (or 1/3) of the Gross
7 Settlement Amount and the administration costs not to exceed \$5,000 into
8 account, from the Gross Settlement of \$20,000, \$8,333.34 remains to be
9 distributed as provided under PAGA. This amount shall be allocated as
10 follows: \$ (75%) to the LWDA and \$ (25%) to aggrieved employees.
- 11 c. The administrator is to file a declaration no later than June 16, 2023 to
12 confirm that the distribution of funds to PAGA Members is complete,
13 including any distribution to the *cy pres* per the Settlement Agreement.
- 14 d. Upon receipt of the declaration, the Court will determine whether any
15 further hearings or declarations will be required.
- 16 e. Counsel for Plaintiff is ordered to give notice, including to the LWDA, and
17 file proof of same.
- 18
- 19

20 **IT IS SO ORDERED**

21
22 Dated: December 23, 2023



23 Honorable William Claster
24 Judge of the Superior Court
25
26
27
28

1 **PROOF OF SERVICE**

2 *Vanessa Perez, et al., v. Hyperion Motors, Inc., et al.*

3 Case No.: 30-2020-01170764-CU-WT-CJC

4 STATE OF CALIFORNIA, COUNTY OF ORANGE

5 I am employed in the County of Orange, State of California. I am over the age of 18 and
6 not a party to the within action. My business address is 17901 Von Karman Avenue, 10th Floor,
7 Irvine, CA 92614.

8 On **December 27, 2022**, I served the foregoing document(s) described as follows: **JOINT
9 STIPULATION FOR THE COURT TO RETAIN JURISDICTION UNDER CODE OF
10 CIVIL PROCEDURE SECTION 664.6; [PROPOSED] ORDER** on the interested parties in
11 this action, by placing a true copy thereof enclosed in a sealed envelope(s) addressed to the
12 following addressee(s):

13 Sam S. Yebri, Esq.
14 Alexander M. Merino, Esq.
15 **MERINO YEBRI, LLP**
16 1925 Century Park East, Suite 2100
17 Los Angeles, CA 90067
18 Tel: (310) 551-2000
19 Fax: (310) 693-9458
20 Email: syebri@mylawllp.com
21 amerino@mylawllp.com

Attorneys for Plaintiffs

VANESSA PEREZ, MARIO CAZARES,
ANTHONY HANSELMAN, SCOTT
NASON, MOHAN RAO, JANE
SANDELMAN, and SHANNON
TABONE

22 ☒ **(BY ELECTRONIC MAIL)** By personally transmitting to the above-named person(s),
23 who has previously agreed to receive documents via electronic mail, to the e-mail address
24 as shown above, on the date and time listed below, originating from the Michelman &
25 Robinson, LLP's electronic mail address, pursuant to the C.R.C. 2060 and Government
26 Code § 11440.20. A true copy of the above-described document(s) was transmitted by
27 electronic transmission through the Michelman & Robinson, LLP's mail server, which
28 did not report any error in sending the transmission.

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.

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

Executed on December 27, 2022, at Irvine, California.

Alejandra Perez