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7 Attorneys for Representative Plaintiff
8

9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF MERCED**
11

12 SHANA WRIGHT individually, and on
behalf of all others similarly situated,

13 Plaintiff,
14

15 vs.

16 WINGANOMICS, INC. d.b.a.
WINGSTOP, et al.,

17 Defendants.
18

Case No. 20CV-00657

CLASS ACTION

**NOTICE OF ENTRY OF ORDER
GRANTING FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

19
20 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

21 **PLEASE TAKE NOTICE** that, on January 21, 2022, the Honorable Brian McCabe
22 entered an Order Granting Plaintiffs' Motion for Final Approval of Class Action Settlement. A
23 copy of the Order in the above-captioned case is attached hereto as Exhibit "A."
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Dated: February 3, 2022

COLE & VAN NOTE

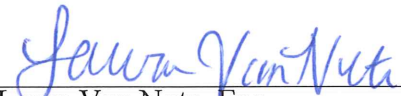
By: 
Laura Van Note, Esq.
Attorneys for Representative Plaintiff

EXHIBIT A

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FILED
MERCED COUNTY

22 JAN 21 AM 8:41

CLERK OF THE SUPERIOR COURT

James J. [Signature]

1 Scott Edward Cole, Esq. (S.B. #160744)
2 Laura Van Note, Esq. (S.B. #310160)
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13 Attorneys for Representative Plaintiff

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15 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16
17 **IN AND FOR THE COUNTY OF MERCED**

18 SHANA WRIGHT individually, and on
19 behalf of all others similarly situated,

20 Plaintiff,

21 vs.

22 WINGANOMICS, INC. d.b.a.
23 WINGSTOP, et al.,

24 Defendants.

Case No. 20CV-00657

CLASS ACTION

[PROPOSED] ORDER AND JUDGMENT:

- (1) GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT;
- (2) AWARDING ATTORNEYS' FEES AND COSTS TO CLASS COUNSEL;
- (3) AWARDING ENHANCEMENT TO THE REPRESENTATIVE PLAINTIFF; AND
- (4) AWARDING REIMBURSEMENT OF SETTLEMENT ADMINISTRATION COSTS

Date: January 19, 2022

Time: 8:15 a.m.

Dept.: 8

25 This matter, having come before the Superior Court of the State of California, in and for
26 the County of Merced, at 8:15 a.m. on January 19, 2022 in Department 8, with Cole & Van Note
27 appearing as counsel for Representative Plaintiff Shana Wright, individually and on behalf of the
28 Plaintiff Class and Aggrieved Employees, and Atkinson, Andelson, Loya, Ruud & Romo
appearing as counsel for defendant Winganomics, Inc. and Does 1 through 100 ("Defendants").
The Court, having carefully considered the briefs, argument of counsel and all matters presented

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1 to the Court and good cause appearing, hereby GRANTS Plaintiff's Motion for Final Approval of
2 Class Action Settlement and enters Judgment as follows.

3
4 **I. FINDINGS**

5 Based on the oral and written argument and evidence presented in connection with the
6 motion, the Court makes the following findings:

7 1. All terms used herein shall have the same meaning as defined in the proposed
8 Settlement Agreement ("Agreement").

9 2. This Court has jurisdiction over the subject matter of the above-captioned litigation
10 and over all Parties to this litigation, including the Settlement Class.

11 **Preliminary Approval of the Settlement**

12 3. On October 22, 2021, the Court granted preliminary approval of a class-wide
13 settlement. At this same time, the Court approved certification of a provisional Settlement Class
14 for settlement purposes only.

15 **Notice to the Plaintiff Class**

16 4. In compliance with the Preliminary Approval Order, the Class Notice Package was
17 mailed by first class mail to the Plaintiff Class members at their last known addresses on or about
18 November 15, 2021. The notice was also emailed to all Plaintiff Class Members for whom email
19 addresses were available. Emailing and mailing of the Class Notice Package to their last known
20 addresses was the best notice practicable under the circumstances and was reasonably calculated
21 to communicate actual notice of the litigation and the proposed settlement to the Plaintiff Class.

22 5. According to the Claims Administrator, there are 1,682 members of the Plaintiff
23 Class who will receive an Individual Settlement Share. The deadline for opting out or objecting
24 was December 27, 2021. There was an adequate interval between mailing of the Notice and the
25 deadline to permit Plaintiff Class members to choose what to do and act on their decision. No class
26 members objected, and no class members opted out.

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Fairness of the Settlement

- a. The Agreement is entitled to a presumption of fairness. *Dunk v. Ford Motor Co.*, 48 Cal.App.4th 1794, 1801 (1996).
- b. There has been no collusion between the parties in reaching the proposed settlement.
- c. Plaintiff's investigation and discovery have been sufficient to allow the court and counsel to act intelligently.
- d. Counsel for both parties are experienced in similar employment class action litigation. All counsel recommended approval of the Agreement.
- e. The percentage of objectors and requests for exclusion is small.
- f. The participation rate was high, with no class members objecting or opting out.

6. The consideration to be given to the Settlement Class members under the terms of the Agreement is fair, reasonable, and adequate considering the strengths and weaknesses of the claims asserted in this action and is fair, reasonable and adequate compensation for the release of Settlement Class members' claims, given the uncertainties and risks of the litigation and the delays which would ensue from continued prosecution of the action.

7. The proposed Agreement is approved as fair, adequate and reasonable and in the best interests of class members.

Attorneys' Fees/Costs

8. The Agreement provides for (and counsel seeks) an award of up to \$525,000 to Class Counsel as attorneys' fees in this action, representing 35% of the Gross Settlement Fund, plus actual costs, subject to the Court's approval. Class Counsel requests an award of \$20,000 as reimbursement for litigation costs.

9. The award of attorneys' fees and reimbursement of litigation costs are reasonable, in light of the contingent nature of Class Counsel's fee, the risks assumed, the results achieved by Class Counsel. and in light of the significant amount of uncompensated work Class Counsel anticipates post-final approval of the settlement.

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Enhancement Award

10. The Agreement provides for an Enhancement Award of \$7,500 for the Representative Plaintiff from the Gross Settlement Amount, subject to the Court's approval. The Court finds this Enhancement Award reasonable in light of the risks and burdens undertaken by the Representative Plaintiff in this Action and for her time and effort in bringing and prosecuting this matter on behalf of the Plaintiff Class.

Cost of Settlement Administration

11. The Agreement provides for payment of settlement administration expenses from the Gross Settlement Amount. The Settlement Administrator has \$15,000 in Claims Administration expenses. The amount of this payment is reasonable in light of the work performed by the Settlement Administrator and shall be awarded thereto.

PAGA Payment

12. The Agreement provides for a PAGA payment of \$20,000, from which \$15,000 shall be allocated and delivered to the California Labor and Workforce Development Agency ("LWDA").

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II. ORDERS

Based on the foregoing findings, and good cause appearing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The Settlement Class is certified for the purposes of settlement only. The Settlement Class is hereby defined as:

All current and former non-exempt employees who worked at any time for Defendants in California from February 7, 2016 to October 22, 2021, excluding any such individuals who opt out of this Settlement.

2. All persons who meet the foregoing definition and did not exclude themselves from the Agreement are members of the Settlement Class.

3. The Agreement is hereby finally approved as fair, reasonable, adequate, and in the best interest of the Settlement Class.

4. Class Counsel are awarded attorneys' fees in the amount of \$525,000 and litigation costs in the amount of \$20,000. Class Counsel shall not seek or obtain any other compensation or reimbursement from Defendants, Plaintiff, or members of the Settlement Class.

5. Payment of Enhancement Award in the amounts of \$7,500 to plaintiff Shana Wright is approved.

6. The payment of \$15,000 to the Settlement Administrator for settlement administration services is approved.

7. The PAGA payment to the California Labor and Workforce Development Agency in the amount of \$15,000 (i.e., 3/4 of \$20,000) is approved.

8. A Final Judgment in this action is hereby entered and this shall constitute a Judgment for purposes of California Rules of Court, Rule 3.769(h).

9. This Final Judgment shall bind each Settlement Class member and shall operate as a full release and discharge of the released claims against the released parties. All rights to appeal the Final Judgment have been waived. This Final Judgment and Final Approval Order shall have *res judicata* effect and bar all Settlement Class members from bringing any action asserting Settlement Class members' released claims under the Agreement.

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1 10. The Agreement and Settlement are not an admission by Defendants, nor is this Final
2 Approval Order a finding, of the validity of any claims in the Action or of any wrongdoing by
3 Defendants. Neither this Final Approval Order, this Final Judgment, the Agreement, nor any
4 document referred to herein, nor any action taken to carry out the Agreement is, may be construed
5 as, or may be used as an admission by or against Defendants of any fault, wrongdoing or liability
6 whatsoever. The entering into or carrying out of the Agreement, and any negotiations or
7 proceedings related thereto, shall not in any event be construed as, or deemed to be evidence of,
8 an admission or concession with regard to the denials or defenses by Defendants and shall not be
9 offered in evidence in any action or proceeding against Defendants in any court, administrative
10 agency or other tribunal for any purpose whatsoever other than to enforce the provisions of this
11 Final Approval Order, this Final Judgment, the Agreement, or any related agreement or release.
12 Notwithstanding these restrictions, any of the released parties may file in the Action or any other
13 proceeding this Final Approval Order, this Final Judgment, the Agreement, or any other papers
14 and records on file in the Action as evidence of the Settlement to support a defense of res judicata,
15 collateral estoppel, release, or other theory of claim or issue preclusion or similar defense as to the
16 released claims. Nothing set forth in this Order shall be construed to modify the absolute obligation
17 of the Representative Plaintiff to dismiss with prejudice, upon payment of the settlement amount
18 set forth in the settlement agreement, all of her claims set forth in this action.

19 11. Notice of entry of this Final Approval Order and Final Judgment shall be given to
20 Class Counsel on behalf of Plaintiff and all Settlement Class Members. It shall not be necessary to
21 send notice of entry of this Final Approval Order and Final Judgment to individual Settlement
22 Class members. The time for any appeal shall run from service of notice of entry of the Final
23 Approval Order and Final Judgment by Class Counsel on Defendants.

24 12. After entry of this Order and Final Judgment, the Court shall retain jurisdiction to
25 construe, interpret, implement, and enforce the Agreement and this Judgment, to hear and resolve
26 any contested challenge to a claim for settlement benefits, and to supervise and adjudicate any
27 dispute arising from or in connection with the distribution of settlement benefits.
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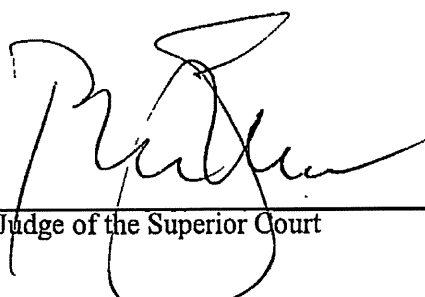
1 13. In the event the Settlement does not become final and effective in accordance with
2 the terms of the Settlement Agreement, or is terminated, cancelled or fails to become effective for
3 any reason, then this Final Approval Order and Final Judgment, and all orders entered in
4 connection herewith shall be rendered null and void and shall be vacated.

5 14. A Compliance Hearing is hereby set for April 27, 2022, in
6 Department 8 of this Court. At least ten (10) court days before the Compliance Hearing, Class
7 Counsel shall submit a Case Management Conference Statement, accompanied by a Declaration
8 from the Settlement Administrator (including a summary accounting identifying the distributions
9 made, the number and value of any uncashed checks, the status of any unresolved issues, and any
10 other matters appropriate to evaluate the effectiveness and completeness of the distribution).

11
12 **IT IS SO ORDERED.**

13
14 Dated: JAN 21 2022

By:



Judge of the Superior Court

PROOF OF SERVICE

I am over 18 years of age, not a party to the above-captioned action, and am employed by the law firm of Cole & Van Note, 555 12th St., Suite 1725, Oakland, California 94607.

On this date, I served a copy of:

NOTICE OF ENTRY OF ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

	By depositing the document(s) with the U.S. Postal Service, with postage fully prepaid, addressed as indicated below, in the ordinary course of business.
	By facsimile transmission to the fax number(s) below, before 5:00 p.m. PST.
	By placing the document(s) in a sealed Federal Express envelope, affixing a pre-paid air bill and delivering it to a Federal Express agent.
	By personal delivery.
X	By e-mail transmission to the e-mail address(es) below.
	By electronic filing using the CM/ECF System which will send a Notice of Electronic Filing to the email address(es) listed in the Electronic Mail Notice List.
	By uploading the document(s) to the third-party document management/service company, court-approved for purposes of this litigation.
X	By electronic submission to the Labor and Workforce Development Agency.

on the following person(s):

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I declare under penalty of perjury under the laws of the United States and the State of California the foregoing is true and correct. Executed in Oakland, California on February 4, 2022.



Nicole Randle