

DEC 12 2023

CLERK OF THE COURT
BY: *Shirley Enler*
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 304

MARIA VICTORIA REYES, an individual; and
CARLOS MAGANA, an individual, on behalf of
themselves, other persons similarly-situated, the
State of California, and other current and former
employees,

Plaintiffs,

vs.

THE WHOLE CART, LLC, a California limited
liability corporation; OFF THE GRID
SERVICES, LLC, a Delaware limited liability
corporation; and DOES 1-20, inclusive,

Defendants.

Case No. CGC-20-584861

SECOND AMENDED JUDGMENT AFTER
ENTRY OF ORDER GRANTING MOTION
FOR FINAL APPROVAL OF CLASS
ACTION & PAGA SETTLEMENT

Judgment is hereby entered in accordance with the terms of this Court's Order Granting Final Approval of Class Action & PAGA Settlement ("Final Approval Order"). The Final Approval Order is hereby incorporated by reference.

The Settlement Class is defined as: All non-exempt employees employed by Defendants performing food preparation and cooking services in Defendants' kitchens, except any employee who held the position of "Instrucktional Entrepreneur," within the State of California from June 1, 2016 through April 19, 2022, inclusive.

There were no objections or requests for exclusion.

The only Class Members entitled to payment pursuant to this Judgment are Settlement Class Members.

The Gross Settlement Amount is \$425,000. Through its Final Approval Order, the Court authorized the following distributions from the Gross Settlement Amount: (1) \$4,000 as a service award to Plaintiff Maria Victoria Reyes and \$3,000 for Plaintiff Carlos Magana; (2) \$141,666.67 for attorneys' fees; (3) \$8,394 for litigation costs; (4) \$9,750 to Phoenix Settlement Administrators for the costs of settlement administration; and (5) \$10,000 in settlement of the Private Attorneys General Act ("PAGA") cause of action.

Therefore, approximately \$248,189.33 (i.e., the Net Settlement Amount) is payable to the Settlement Class Members. Payments from the Net Settlement Amount shall be determined by the Settlement Administrator in accordance with the Settlement.

Should one or more Class Members fail to cash the check for their Settlement Shares within 180 days after it is mailed to their last known address, and if the aggregate funds represented by the uncashed checks total ten thousand dollars (\$10,000.00) or more, a second distribution shall issue to participating Class Members who cashed their initial Settlement Share, in the manner set forth in the Settlement. (See Settlement, § III(D)(1).) If the aggregate funds represented by the uncashed checks total less than ten thousand dollars (\$10,000.00), they will be donated to La Raza Centro Legal. The Court finds La Raza Centro Legal is an appropriate *cy pres* beneficiary pursuant to Code of Civil Procedure section 384(b).

As of April 27, 2023, the total amount of residual funds was \$17,615.14. The Court

1 directed the Settlement Administrator to distribute \$17,615.14 to participating Class Members
2 who previously cashed Settlement Share checks in accordance with the Settlement Agreement.
3 (See Sept. 16, 2022 Order ¶ 6.g.)

4 As of December 11, 2023, the total amount of residual funds is \$2,724.08. The Court
5 hereby directs the Settlement Administrator to tender \$2,724.08 to the designated *cy pres*
6 beneficiary, La Raza Centro Legal.

7 The Court retains exclusive and continuing jurisdiction over the litigation for purposes of
8 supervising, implementing, interpreting, and enforcing the Settlement and Judgment pursuant to
9 California Rules of Court, rule 3.769(h).

10 This document shall constitute a judgment for purposes of California Rules of Court, rule
11 3.769(h).

12 Within ten (10) days after entry of this Judgment, Class Counsel shall submit a copy of this
13 Judgment to the LWDA pursuant to Labor Code section 2699(1)(3).

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15 IT IS SO ORDERD.

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17 Dated: December 12, 2023

18 
19 Ethan P. Schulman
20 Judge of the Superior Court
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CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On December 12, 2023, I electronically served SECOND AMENDED JUDGMENT AFTER ENTRY OF ORDER GRANTING MOTION FOR FINAL APPROVAL OF CLASS ACTION & PAGA SETTLEMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **DEC 12 2023**

Brandon E. Riley, Court Executive Officer

By: 
Felicia Green, Deputy Clerk