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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

SAKHOEUTH “KURT” SAO, individually
and on behalf of all others similarly situated,

Plaintiff,

vs.

AUTOMATED GATE SERVICES, INC., a
California corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. RIC2001904

[Assigned for all purposes to the Hon. Sunshine
S. Sykes, Dept. 6]

**COMPLIANCE CHART IN SUPPORT OF
PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: October 20, 2021
Time: 8:30 A.M.
Dept.: 6

Complaint Filed: June 1, 2020
Trial Date: None Set

In connection with the Court’s Class Action Case Management Order #1, dated August 25, 2020, Plaintiff Sakhoeth “Kurt” Sao (“Plaintiff”) hereby submits the following Compliance Chart in support of his Motion for Preliminary Approval of Class Action Settlement.

	<u>Filing Requirements</u>	<u>Satisfaction of Requirements</u>
H.1.	<u>Settlement Agreements in General</u> The settlement agreement must be filed, either in the form of a separate stipulation or as an authenticated attachment to declaration of counsel.	The Joint Settlement of Class Action Settlement (“Settlement Agreement”) is attached as Exhibit B to the concurrently filed Declaration of Mai Tulyathan (“Tulyathan Decl.”).
H.2.	<u>Notices of Settlement</u> Notice of Settlement of Entire Case (Judicial Council Form CM-200) must not be filed.	Tulyathan Decl. at ¶ 14.
H.3.	<u>The Motion in General</u>	
a.i.	Attorney’s estimate of the number of individuals in the class.	Tulyathan Decl. at ¶¶ 15-16.
a.ii.	Attorney’s estimate of total damages/penalties on each claim if Plaintiff was successful at trial; how estimate was calculated; and the collective total for all claims.	Tulyathan Decl. at ¶¶ 23-26, 31.
a.iii.	Defendant’s defenses, difficulties of proof, and other risks; attorney’s reasons for estimate; and the total likely award.	Tulyathan Decl. at ¶¶ 24-30.
a.iv.	Attorney’s estimate of recovery by average class member if settlement were approved.	Tulyathan Decl. at ¶ 19.

1	a.v.	Nature and extent of discovery	Tulyathan Decl. at ¶¶ 9-10
2		conducted/exchanged and other factual	
3		investigation.	
4	a.vi.	Attorney's awareness of similar or	Tulyathan Decl. at ¶ 34.
5		related actions involving individuals	
6		some or all of whom would all be	
7		members of the class in this action.	
8	b.	Declaration from Defendant's counsel	Declaration of Mark J. Jacobs ("Jacobs
9		regarding similar or related actions	Decl.") at ¶¶ 2-3.
10		involving individuals some or all of	
11		whom would all be members of the class	
12		in this action.	
13	c.i.	Description of intended distribution of	Tulyathan Decl. at ¶¶ 21-22.
14		uncashed/unclaimed funds, and reason	
15		for selection of proposed <i>cy pres</i>	
16		beneficiary.	
17	c.ii.	Declaration from Person Most	Declaration of Joan Graff on behalf of
18		Knowledgeable of proposed <i>cy pres</i>	Legal Aid at Work ("Graff Decl.").
19		recipient.	
20	c.ii.A.	Recipient is a nonprofit organization.	Graff Decl. at ¶¶ 4-5.
21	c.ii.B.	Recipient's history; types of projects	Graff Decl. at ¶¶ 2, 8 (history), 10-23
22		supported; intended use of unpaid	(types of projects), 24-25 (intended use
23		residue.	of funds)
24	c.ii.C.	Geographic area of operation; extent of	Statewide operations, <i>see generally</i> ,
25		services provided in Riverside County	Graff Decl.
26		and surrounding areas.	Services provided impacting Riverside,
27			Graff Decl. at ¶ 17.
28			

c.iii.	Plaintiff's counsel, Defendant's counsel, and Plaintiff declarations regarding relationship with <i>cy pres</i> recipient.	Tulyathan Decl. at ¶ 22; Jacobs Decl. at ¶ 4; Declaration of Sakhoeuth "Kurt" Sao at ¶ 9; Declaration of Larry W. Lee ("Lee Decl.") at ¶ 5; Declaration of Howard L. Magee ("Magee Decl.") at ¶ 5.
c.iv.	Unclaimed funds shall not be deposited into the Industrial Relations Unpaid Wage Fund.	Uncashed/unclaimed settlement funds from settlement class members will be distributed to Legal Aid at Work. Tulyathan Decl. at ¶ 21.
d.i.	Selection of administrator; number of bids sought and results thereof.	Tulyathan Decl. at ¶ 37.
d.ii.	Declaration from Settlement Administrator regarding experience, fees charged, calculation of fee.	Declaration of Jodey Lawrence on behalf of Phoenix Settlement Administrators.
e.i.	Limitation of released parties for released claims by participating class members.	Memorandum of Points and Authorities ("MPA") 19:2-8.
e.ii.	Release by participating class members limited to claims alleged in the complaint.	MPA 19:2-20:1.
e.iii.	Release by participating class members limited to liability that arose during the class period.	MPA 19:2-20:1.
f.	If notice not to be given to current address by first class mail, discuss proposed method.	Notice to be given to current address by first class mail. MPA 21:15-24.
g.	Why claims process necessary.	No claims form required. MPA 20:22-27.

h.	Explain reversion of settlement, if any.	No reversion to defendant. MPA 18:24-25.
i.	Describe employer's share of applicable payroll taxes.	Employer's share of taxes to be paid separately from and in addition to Gross Settlement Amount. MPA 20:18-20.
k.	Compliance chart.	Current document.
H.4.	<u>The Proposed Order</u>	
a.	The proposed order shall include the proposed notice and other forms as attachments.	Proposed Order 3:24 – 4:6.
b.	The settlement agreement shall not be attached to the order.	The Settlement Agreement is not attached to the Proposed Order.
d.	Name of settlement administrator and nature of services to be performed directly or by reference to settlement agreement.	Proposed Order 4:9-12.
e.	Exclusion form to accompany notice, to be submitted to and authenticated by the settlement administrator.	Proposed Order 4:1-4; 5:1-5.
f.	Objection form to accompany notice, to be submitted to and authenticated by the settlement administrator.	Proposed Order 4:5-8; 5:1-5.
g.	An objecting party shall not be required to appear at the hearing on the motion for final approval, nor file an intention to appear at said hearing.	Proposed Order 4:23-27; Objection Form.

h.	An objecting party must be notified of any continuance of hearing of the motion for final approval.	Proposed Order 4:27-28:
i.	Neither order nor notice shall enjoin Class Members from filing any actions or administrative claims or proceedings pending the final hearing on the settlement.	Proposed Order and Class Notice does not enjoin Class Members from doing such.
j.	Postage paid envelope and reminder notice required if claim form required.	Claim form not required. MPA 20:22-27.
H.5.	<u>The Proposed Notice</u>	
a.	Estimated of likely recovery by individual class member.	Notice of Class Action Settlement (“Class Notice”) pg. 1.
b.	Notice must indicate that final determination that the settlement is fair, adequate, and reasonable will be made at the final hearing.	Class Notice pgs. 2, 6 (section 16).
c.	Notice must describe where to find settlement agreement, courthouse address, and Court’s website.	Class Notice pgs. 6-7 (section 17).
d.	Settlement administrator shall not be described as a “claims administrator,” unless claims required.	Claim form not required. MPA 20:22-27; Class Notice pg. 7.
e.	Notice must include a description of the release.	Class Notice pgs. 4-5 (section 10).

H.6.	<u>The Proposed Claim Form</u> Information required to identify claimant, etc.	Claim form not required. MPA 20:22-27.
H.7.	<u>The Proposed Objection Form</u>	
a.	Objection form must include directions to return to the settlement administrator, including contact information and deadline.	Objection Form pg. 1.
b.	Objector must only be required to identify himself or herself as entitled to object, describe the basis for objection, and provide contact information for clarification.	Objection Form pg. 1.
c.	If claim form required, objection form must remind objector to submit a claim as well.	Claim form not required. MPA 20:22-27.
H.8.	<u>The Proposed Exclusion Form</u>	
a.	Exclusion form must include directions to return to the settlement administrator, including contact information and deadline.	Request for Exclusion Form pg. 1.
b.	Class member must only be required to identify himself or herself as a class member and provide contact information for clarification.	Request for Exclusion Form pg. 1.
H.9.	<u>PAGA Penalties</u>	

a.	Explain the settlement terms of any PAGA claim.	MPA 7:6-20; 14:5-15:15; 17:7-9; 17:21- 26; 19:22-28.
b.i.- viii.	Describe calculation of PAGA penalties	Tulyathan Decl. at ¶¶ 23, 25.
H.10.	<u>Revised Documents</u>	Not applicable.

DATED: September 27, 2021

DIVERSITY LAW GROUP, P.C.

By: 
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 Howard L. Magee
 Mai Tulyathan
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 Employees