

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 159798; 267971 NAME: Matthew J. Matern; Matthew W. Gordon FIRM NAME: MATERN LAW GROUP, PC STREET ADDRESS: 1230 Rosecrans Avenue, Suite 200 CITY: Manhattan Beach STATE: CA ZIP CODE: 90266 TELEPHONE NO.: (310) 531-1900 FAX NO.: (310) 531-1901 E-MAIL ADDRESS: mgordon@maternlawgroup.com ATTORNEY FOR (name): Plaintiffs Evaristo Ayard, et al.		FOR COURT USE ONLY on 7/19/2022 5:41 PM Reviewed By: R. Aragon Case #20CV367003 Envelope: 9495584
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 North First Street MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San Jose, 95113 BRANCH NAME: Downtown Superior Courthouse		
PLAINTIFF/PETITIONER: Evaristo Ayard, et al. DEFENDANT/RESPONDENT: Kuni Redwood Motors, Inc., et al. OTHER:		CASE NUMBER: 20CV367003
		JUDICIAL OFFICER: Hon. Drew C. Takaichi
PROPOSED ORDER (COVER SHEET)		DEPT: 2

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Plaintiffs Evaristo Ayard, et al.
2. Title of the proposed order:
[Proposed] Amended Judgment
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Order to Show Cause Re: Dismissal
 - b. Date and time: November 17, 2022; 10:00 a.m.
 - c. Place: Dept. 2
4. The proposed order was served on the other parties in the case.

Matthew W. Gordon

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:

Ayard, et al. v. Kuni Redwood Motors, LLC, et al.

CASE NUMBER:

20CV367003

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):

1230 Rosecrans Avenue, Suite 200, Manhattan Beach, California 90266

b. My electronic service address is (*specify*): hahn@maternlawgroup.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

FISHER & PHILLIPS LLP - Danielle Moor, Esq.; Kathryn M. Evans, Esq.; Phil Simpler, Esq.; Amanda Funkhouser; Andrea Ford

Attorneys for Defendants Kuni Redwood Motors, LLC, et al.

b. To (*electronic service address of person served*): dmoore@fisherphillips.com; kmevans@fisherphillips.com;
psimpler@fisherphillips.com; afunkhouser@fisherphillips.com;

c. On (*date*): July 19, 2022

aford@fisherphillips.com

☒ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

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

Date: July 19, 2022

Hannah Ahn

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

1 MATERN LAW GROUP, PC
2 MATTHEW J. MATERN (SBN 159798)
3 mmatern@maternlawgroup.com
4 MATTHEW W. GORDON (SBN 267971)
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12 Attorneys for Plaintiffs
13 EVARISTO AYARD, LUKE PUGH
14 and RAY POOTA, individually, and
15 on behalf of all other aggrieved employees

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

13 EVARISTO AYARD, an individual, on behalf
14 of himself and all other aggrieved employees;
15 LUKE PUGH, an individual, on behalf of
16 himself and all other aggrieved employees; and
17 RAY POOTA, an individual, on behalf of
18 himself and all other aggrieved employees

19 Plaintiff,

20 vs.

21 KUNI REDWOOD MOTORS, LLC, a
22 Delaware limited liability company; KUNI
23 ENTERPRISES, LLC; an Oregon limited
24 liability company; KUNI SDA, LLC, a
25 Delaware limited liability company; HOLMAN
26 NATIONAL RETAIL HOLDINGS, LLC, a
27 Delaware limited liability company; KUNI SDP,
28 LLC, a Delaware limited liability company;
KUNI SDL, LLC, a Delaware limited liability
company and DOES 1 through 50, inclusive,

Defendants

Filed
July 26, 2022
Clerk of the Court
Superior Court of CA
County of Santa Clara
20CV367003

By: rburciaga

Signed: 7/26/2022 02:04 PM



Case No. 20CV367003

[Assigned for all purposes to the
Honorable Drew C. Takaichi]

~~[PROPOSED]~~ AMENDED JUDGMENT

Complaint filed: June 5, 2020
Trial Date: None Set

[PROPOSED] AMENDED JUDGMENT

1. On October 20, 2021, this Court entered an Order Granting Plaintiffs' Motion for Approval of PAGA Settlement and a Judgment.

2. On July 6, 2022, Plaintiffs filed the Declaration of Cassandra Polites Regarding Disbursement of Settlement Funds. The Settlement Administrator, Simpluris, Inc., reported that a total of 92 Individual Settlement Payment checks, totaling \$11,187.30, were not cashed by the June 10, 2022 check cashing deadline.

3. In accordance with Code of Civil Procedure § 384, the Court hereby AMENDS the Judgment entered on October 20, 2021 and filed on October 28, 2021 AS FOLLOWS:

The Court hereby directs the Settlement Administrator to pay the sum of the unclaimed Individual Settlement Payment checks totaling \$11,187.30, plus any interest that has accrued thereon, to YWCA of San Diego County, a nonprofit organization that provides residential and community services to individuals and families.

The Settlement Administrator shall post notice of this Amended Judgment on its website within seven (7) calendar days of the Court's entry of this Judgment.

Plaintiffs shall submit a copy of this Amended Judgment to the Labor and Workforce Development Agency within ten (10) calendar days of the Court's entry of this Amended Judgment and shall file a proof of service with the Court.

IT IS SO ORDERED, ADJUDICATED, AND DECREED.

Signed: 7/24/2022 03:39 PM

DATED: July 24, 2022



HONORABLE DREW C. TAKAICHI
Judge of the Superior Court

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PROOF OF SERVICE

Ayard v. Kuni Redwood Motors, LLC
Santa Clara Superior Court Case No. 20CV367003

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years, and not a party to this action. My business address is 1230 Rosecrans Avenue, Suite 200, Manhattan Beach, California 90266.

On July 19, 2022, I served the following document or documents:

[PROPOSED] AMENDED JUDGMENT

☒ **By e-mail or electronic transmission.** I caused the documents to be sent to the person at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

FISHER & PHILLIPS LLP Danielle Moor, Esq. Kathryn M. Evans, Esq. Phil Simpler, Esq. Amanda Funkhouser Andrea Ford 4747 Executive Drive, Suite 1000 San Diego, California 92121 Telephone: (858) 597-9600 Facsimile: (858) 597-9601 Email: dmoore@fisherphillips.com kmevans@fisherphillips.com psimpler@fisherphillips.com afunkhouser@fisherphillips.com aford@fisherphillips.com	Attorneys for Defendant KUNI REDWOOD MOTORS, LLC; KUNI ENTERPRISES, LLC; KUNI SDA, LLC; HOLMAN NATIONAL RETAIL HOLDINGS, LLC; KUNI SDP, LLC; and KUNI SDL, LLC
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 19, 2022 at Manhattan Beach, California.



Hannah Ahn