

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

SYLVIA BERNABE, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

899 CHARLESTON, a California corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No. 20CV366465

AMENDED JUDGMENT

On December 9, 2021, the court entered an Order Re: Motion for Final Approval of Class Action Settlement; Judgment (“Judgment”), which is incorporated herein by reference. The Judgment ordered final approval of the settlement and entered judgment thereon. In addition, the Judgment set a compliance hearing date of August 10, 2022, and ordered that ten court days before the hearing “class counsel and the settlement administrator shall submit a summary accounting of the net settlement fund identifying distributions made as ordered herein, the number and value of any uncashed checks, amounts remitted to Defendant, the status of any unresolved issues, and any other matters appropriate to bring to the court’s attention.”

1 On July 25 and July 26, 2022, Plaintiff Sylvia Bernabe, on behalf of herself and all others
2 similarly situated, filed Declarations of Taylor Mitzner on Behalf of Phoenix Settlement
3 Administrators Regarding Final Accounting. According to Ms. Mitzner:

4 1. The total amount due under the settlement was \$ 250,000.00 plus \$2,570.37 for the
5 employer's share of payroll taxes. The following payments were made on January 4,
6 2022:

7 a. \$ \$124,148.99 for gross payment of the individual settlement awards to the 120 participating
8 settlement class members;

9 b. \$83,333.33 for payment of class counsel's attorney fees;

10 c. \$15, 067.68 for payment of class counsel's costs;

11 d. \$7,500.00 for payment of a service award to Plaintiff Sylvia Bernabe;

12 e. \$4,950.00 for payment of administration fees to the settlement administrator;

13 f. \$15,000.00 for payment to the LWDA, for its 75% share of the \$20,000.00 allocated to the
14 settlement of PAGA claims; and

15 g. All applicable payroll taxes were remitted to the Internal Revenue Service and California
16 Employment Development Department.

17 2. The deadline for the participating settlement class members to cash their settlement
18 award check was July 5, 2022, 180 days after its issuance.

19 3. Ten checks, in the total amount of \$ 2,592.23 remain uncashed after the July 5, 2022
20 check cashing deadline date. In accordance with the terms of the Settlement Agreement, the
21 unclaimed funds will be sent to the Asian Americans Advancing Justice — Los Angeles after the
22 check void date.

23 Therefore, it is hereby ordered, adjudged and decreed that:

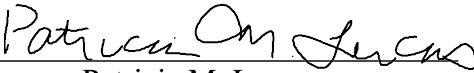
24 A. The settlement administrator shall forthwith issue payment in the amount of \$2,592.23 to the
25 designated cy pres recipient, the Asian Americans Advancing Justice - Los Angeles.

26 B. In compliance with Code Civ. Proc. § 384.5 no later than five days after receipt of notice of
27 the entry of this Amended Judgment, the Parties shall submit the Amended Judgment to the
28 Judicial Council and file proof of service with this court confirming its submission; and

1 C. This Amended Judgment is intended to be a final disposition of this action in its entirety, and
2 is intended to be immediately appealable.

3 The August 10, 2022 compliance hearing is hereby vacated.

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5 Dated: July 27, 2022


6 Patricia M. Lucas
7 Judge of the Superior Court
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