

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

Norman B. Blumenthal (SBN #068687)
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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO**

ISHAN BASU-KESSELMAN and TAI
TRAN, on behalf of the State of California,
as private attorneys general,

Plaintiffs,

vs.

GARUDA LABS, INC. d/b/a
INSTAWORK; ADVANTAGE
WORKFORCE SERVICES, LLC; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: **CGC-20-586542**

NOTICE OF ENTRY OF JUDGMENT

Judge: Hon. Richard B. Ulmer
Dept.: 302

Complaint Filed: July 9, 2020
Trial Date: Not Set

1 TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

2
3 YOU ARE HEREBY NOTIFIED THAT on January 17, 2024, the Court entered the
4 Judgment and on December 22, 2023 the Court entered the Order Granting Motion for
5 Approval of Private Attorneys General Act Settlement in the above entitled action. A true
6 and correct copy of the Judgment is attached hereto as Exhibit #1. A true and correct copy of
7 the Order Granting Motion for Approval of Private Attorneys General Act Settlement is
8 attached hereto as Exhibit #2. The Order and the Judgment are also served on the LWDA
9 pursuant to the Proof of Service below.

10 Respectfully submitted,

11 Dated: January 18, 2024

BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP

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13 By: /s/ Kyle Nordrehaug
14 Kyle R. Nordrehaug
15 Attorneys for Plaintiffs
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I, Kyle Nordrehaug, am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 2255 Calle Clara, La Jolla, California 92037.

On January 18, 2024, I served the document(s) described as:

1. NOTICE OF ENTRY OF JUDGMENT

X (BY ELECTRONIC SERVICE): Pursuant to the provisions of CCP §1010.6, I provided the documents referenced above electronically via electronic mail (e-mail) to counsel for

Defendant at the following confirmed e-mail addresses:

Andrew M. Spurchise, Esq.
LITTLER MENDELSON P.C.
900 3rd Avenue, 8th Floor
New York, NY 10022-3298
aspurchise@littler.com

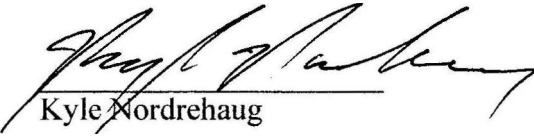
Lisa Lin Garcia, Esq.
LITTLER MENDELSON P.C.
333 Bush Street, 34th Floor
San Francisco, CA 94104
LLGarcia@littler.com

Alec DiMario, Esq.
LITTLER MENDELSON P.C.
50 West San Fernando Street, 7th Floor
San Jose, CA 95113-2434
adimario@littler.com

X (ONLINE TO THE LWDA): I caused the above-described document to be delivered to the Labor Workforce Development Agency via online process at the PAGA Filing website in accordance with the procedure imposed by the LWDA.

1 X (State): I declare under penalty of perjury under the laws of the State of California that the
2 above is true and correct.

3 Executed on January 18, 2024, at La Jolla, California.
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6 Kyle Nordrehaug
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[Additional counsel listed on following page]

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

ISHAN BASU-KESSELMAN and TAI
TRAN, on behalf of the State of California,
as private attorneys general,

Plaintiffs,

v.

GARUDA LABS, INC. d/b/a
INSTAWORK; ADVANTAGE
WORKFORCE SERVICES, LLC; and
DOES 1 through 50, inclusive,

Defendants.

Case No. CGC-20-586542

REPRESENTATIVE ACTION

[PROPOSED] JUDGMENT

Date: November 30, 2023

Time: 9:30 a.m.

Judge: Richard B. Ulmer, Jr.

Dept.: 302

Complaint filed: July 9, 2020

Trial date: Not set

FILED
Superior Court of California
County of San Francisco

JAN 17 2024

CLERK OF THE COURT

BY:

Deputy Clerk

LEBE LAW, APLC

Jonathan M. Lebe (SBN 284605)

jon@lebelaw.com

Zachary Gershman (SBN. 328004)

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777 S. Alameda Street, Second Floor

Los Angeles, CA 90021

Telephone: (213) 444-1973

Attorneys for Plaintiffs

1 Judgment is hereby entered in accordance with the terms of this Court's Order Granting
2 Motion for Approval of Private Attorneys General Act ("PAGA") Settlement.

3 This Judgment hereby incorporates by reference the definitions of the Private Attorneys
4 General Act Settlement Agreement ("Settlement Agreement") as though fully set forth herein,
5 and all terms used herein shall have the same meaning as set forth in the Settlement Agreement.

6 The "Gross PAGA Settlement Amount" agreed to between Plaintiffs Ishan Basu-
7 Kesselman and Tai Tran, on behalf of themselves and other PAGA Settlement Group Members
8 (defined below), and the State of California, on the one hand, and Defendants Garuda Labs, Inc.
9 d/b/a Instawork and Advantage Workforce Services, LLC (collectively, "Defendants"), on the
10 other hand, is Three Million Five Hundred Fifty Thousand Dollars (\$3,550,000.00), which
11 represents the maximum amount Defendants can be required to pay under this Settlement.

12 Through its Order Granting Motion for Approval of Private Attorneys General Act
13 ("PAGA") Settlement, the Court has authorized the following distributions from the Gross
14 PAGA Settlement Amount: (1) \$1,183,333.33 to PAGA Counsel for Attorneys' Fees; (2)
15 \$56,749.82 to PAGA Counsel for Attorneys' Expenses and Costs; (3) \$73,500.00 to the
16 Settlement Administrator for the Administration Costs; and (4) \$20,000.00 for Enhancement
17 Awards of \$10,000.00 to each named Plaintiff.

18 After the aforementioned deductions are made from the Gross PAGA Settlement
19 Amount, the remaining sum of \$2,216,416.85 constitutes the "PAGA Payment," which shall be
20 distributed pursuant to Labor Code section 2699(i) as follows: 75% of the PAGA Payment,
21 \$1,662,312.64, be paid to the Labor and Workforce Development Agency; and 25% of the
22 PAGA Payment, \$554,104.21, be paid to all individuals who have performed work in California
23 using Instawork's platform while classified as either an independent contractor of Instawork
24 and/or as an employee of Advantage Workforce Services, LLC at any time during the period of
25 time between March 31, 2019 and October 31, 2022 (collectively, "PAGA Settlement Group
26 Members"), according to the method set forth in the Settlement Agreement for calculating
27 Individual PAGA Payments.

28 ///

This action is hereby dismissed with prejudice in its entirety as to Plaintiffs, the State of California, and all PAGA Settlement Group Members. Upon the Effective Date, Plaintiffs, the State of California, and all PAGA Settlement Group Members do and shall be deemed to have fully, finally, and forever released, settled, compromised, relinquished, and discharged any and all of the Released Parties from each and every claim contained in the Released PAGA Claims.

Pursuant to California Code of Civil Procedure section 664.6, the Court shall retain continuing jurisdiction over this action and the Parties, including after entry of this Judgment, to the fullest extent necessary to interpret, enforce and effectuate the terms and intent of the Settlement Agreement.

IT IS SO ORDERED.

Dated: 1/17/24

Ulmer
The Honorable Richard B. Ulmer, Jr.
Judge of the Superior Court

JUDGMENT APPROVED AS TO FORM AND CONTENT:

COHELAN KHOURY & SINGER

Date: 1/3/2024

By: Rosemary C. Khoury
Rosemary C. Khoury
Attorneys for Plaintiffs Ishan Basu-Kesselman
and Tai Tran

BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP

Date: 1/3/24

By: Kyle Nordrehaug
Kyle Nordrehaug
Attorneys for Plaintiffs Ishan Basu-Kesselman
and Tai Tran

LEBE LAW, APLC

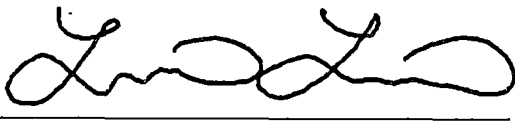
Date: 1/11/24

By: Jonathan M. Lebe
Jonathan M. Lebe
Attorneys for Plaintiffs Ishan Basu-Kesselman
and Tai Tran

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LITTLER MENDELSON P.C.

Date: January 9, 2024

By: 

Andrew M. Spurchise

Lisa Lin Garcia

Alec DiMario

Attorneys for Defendants Garuda Labs, Inc. dba
Instawork and Advantage Workforce Services,
LLC

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[Additional counsel listed on following page]

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

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as private attorneys general,

Plaintiffs,

v.

GARUDA LABS, INC. d/b/a
INSTAWORK; ADVANTAGE
WORKFORCE SERVICES, LLC; and
DOES 1 through 50, inclusive,

Defendants.

Case No. CGC-20-586542

REPRESENTATIVE ACTION

**[PROPOSED] ORDER GRANTING
MOTION FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT ("PAGA")
SETTLEMENT**

Hearing Held

Date: November 30, 2023

Time: 9:30 a.m.

Judge: Richard B. Ulmer, Jr.

Dept.: 302

Complaint filed: July 9, 2020

Trial date: Not set

FILED
Superior Court of California
County of San Francisco

DEC 22 2023

CLERK OF THE COURT
BY: *[Signature]*
Deputy Clerk

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Telephone: (213) 444-1973

Attorneys for Plaintiffs

Pursuant to the Motion for an Order Granting Approval of the Private Attorneys General Act ("PAGA") Settlement ("Motion") submitted by Plaintiffs Ishan Basu-Kesselman and Tai Tran, and for good cause appearing, having considered the Motion, all legal authorities and documents submitted in support, the Declaration of PAGA Counsel Isam C. Khoury, the Private Attorneys General Act Settlement Agreement ("Settlement Agreement"), IT IS ORDERED that the Motion is GRANTED, subject to the following orders:

a) This Order hereby incorporates by reference the definitions of the Settlement Agreement as though fully set forth herein, and all terms used herein shall have the same meaning as set forth in the Settlement Agreement.

b) The Court hereby approves the Settlement set forth in the Settlement Agreement. The Court finds the Settlement was entered into in good faith, that the Settlement is fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable requirements for approval of Private Attorneys General Act ("PAGA") representative actions under California law.

c) The Court approves the maximum non-reversionary Gross PAGA Settlement Amount of \$3,550,000.00 by Defendants Garuda Labs, Inc. d/b/a Instawork and Advantage Workforce Services, LLC;

d) The Court approves and awards to PAGA Counsel - Blumenthal Nordrehaug Bhowmik De Blouw LLP, Cohelan Khoury & Singer, and Lebe Law, APLC - Attorneys' Fees of \$1,183,333.33, and Attorneys' Expenses and Costs of \$56,749.82 from the Gross PAGA Settlement Amount;

e) The Court approves Phoenix Class Action Administration Solutions as the Settlement Administrator and finds the payment of \$73,500.00 to Phoenix Class Action Administration Solutions for Administration Costs is fair and reasonable, and orders the Settlement Administrator to make this payment from the Gross PAGA Settlement Amount to itself in accordance with the Settlement Agreement;

f) The Court finds Enhancement Awards of \$10,000 to each named Plaintiff fair and reasonable, and makes these awards from the Gross PAGA Settlement Amount;

1 g) The Court approves the form of the notice to PAGA Settlement Group Members
2 attached as Exhibit 7 to the Declaration of Isam C. Khoury and orders the notice to be included
3 with Individual PAGA Payment checks;

4 h) The Court approves the PAGA Payment of \$2,216,416.85 from the Gross PAGA
5 Settlement Amount, from which,

6 i) \$1,662,312.64 (75%) shall be paid to the California Labor and
7 Workforce Development Agency, and

8 ii) \$554,104.21 (25%) shall be paid to all PAGA Settlement Group
9 Members to be distributed on a proportionate basis;

10 i) Upon entry of this Order and the Judgment, the Parties and the Settlement
11 Administrator shall effectuate all terms of the Settlement based on the provisions and timelines
12 set forth in the Settlement Agreement.

13 j) Upon the Effective Date, Plaintiffs, the State of California, and all PAGA
14 Settlement Group Members do and shall be deemed to have fully, finally, and forever released,
15 settled, compromised, relinquished, and discharged any and all of the Released Parties from
16 each and every claim contained in the Released PAGA Claims.

17 k) If any PAGA Settlement Group Member fails to negotiate their Individual
18 PAGA Payment check within 180 calendar days after the initial mailing, the Settlement
19 Administrator shall forward the sums represented by the uncashed checks to the State of
20 California, Controller's Office, Unclaimed Property Division in the name of the PAGA
21 Settlement Group Member who failed to cash the checks; and,

22 l) Pursuant to California Code of Civil Procedure section 664.6, the Court shall
23 retain continuing jurisdiction over this action and the Parties, including after entry of this Order,
24 to the fullest extent necessary to interpret, enforce and effectuate the terms and intent of the
25 Agreement and this Order.

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1 m) The Court sets a Settlement Compliance hearing for December 5, 2024 at 9:30
2 a.m. in Department 302. Plaintiffs shall file an Administrator's Declaration advising the Court
3 of the disposition of all settlement proceeds no later than five (5) Court days prior to the
4 hearing.

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6 **IT IS SO ORDERED.**

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8 Dated: 12/21/23

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9 ~~W~~ The Honorable Richard B. Ulmer, Jr.
10 Judge of the Superior Court
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