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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUN 20 2023

BY 
JESSICA MORALES, DEPUTY

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8
9 FOR THE COUNTY OF SAN BERNARDINO

10 VERONICA GRAHAM, as an individual and on
behalf of all others similarly situated,

11 Plaintiff,

12 vs.
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14 GAFE PIZZA, INC., a California corporation; and
15 DOES 1 through 100,
16 Defendants.
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Case No. CIV-DS-2013279

[Assigned for all purposes to the Hon.
David Cohn]

**[PROPOSED] AMENDED FINAL
JUDGMENT PURSUANT TO C.C.P. §
384(b).**

Complaint Filed: June 11, 2020
Trial Date: None Set

1 After reviewing the Declaration of Jarrod Salinas on Behalf of Settlement Administrator
2 Regarding Final Accounting, filed on June 16, 2023 ("Salinas Decl.") and pursuant to California
3 Code of Civil Procedure Section 384(b), the Court re-opens the Final Order of Approval of Class
4 Action Settlement and Final Judgment ("Order and Judgment") entered on June 28, 2022, and
5 HEREBY FINDS AND ORDERS THE FOLLOWING:

6 1. The operative Second Amended Class and Representative Action Complaint
7 ("SAC") filed in connection with Plaintiff's Motion for Preliminary Approval of Class Action
8 Settlement on February 10, 2022 (attached as Exhibit E to the Declaration of Daniel J. Brown in
9 Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement), alleges
10 causes of action for (1) Minimum Wage Violations; (2) Failure to Pay All Overtime Wages; (3)
11 Rest Period Violations; (4) Failure to Reimburse for Necessary Business Expenses; (5) Wage
12 Statement Violations; (6) Waiting Time Penalties; (7) Unfair Competition; (8) Civil Penalties
13 Under the Private Attorneys General Act; and (9) Meal Period Violations.

14 2. The underlying allegations resolved by this Amended Judgment pertain primarily
15 to the following violations alleged in the SAC: (1) minimum wage and overtime violations,
16 premised on allegations that Plaintiff and the Class Members were i) required to perform work
17 off-the-clock at the conclusion of their shifts; ii) required to work through meal periods without
18 compensation (SAC, ¶ 11); and iii) underpaid all overtime wages as a result of Defendant's
19 failure to include all nondiscretionary forms of compensation when calculating their respective
20 regular rates of pay for overtime purposes (SAC, ¶¶ 15-16); (2) meal period violations, premised
21 on missed, late, and/or short first and second meal periods due to work demands (SAC, ¶ 12); (3)
22 rest period violations premised on failure to provide duty-free rest periods (SAC, ¶ 10); and, (4)
23 failure to reimburse for all necessary business expenses, premised on the allegation that
24 Defendant failed to reimburse Plaintiff and the Class Members for cell phone and uniform
25 expenses (SAC, ¶¶ 13). Based primarily on these violations, Plaintiff also brought derivative
26 claims for Defendant's alleged failure to issue accurate wage statements and pay all final wages
27 owed, and sought civil penalties under the Private Attorneys General Act of 2004 ("PAGA")
28 (SAC, ¶¶ 14, 17, 57 - 60).

1 3. The total gross payment of the individual settlement awards to the 779
2 Participating Settlement Class Members was \$212,790.53. *See* Salinas Decl., ¶ 2.

3 4. A total of 167 checks totaling \$29,794.14 remain uncashed (“Uncashed
4 Settlement Funds”). *See* Salinas Decl., ¶ 6.

5 5. Pursuant to paragraph 5(E) of the Parties’ Stipulation of Settlement (“Settlement”)
6 attached as Exhibit A to the Declaration of Daniel J. Brown in Support of Plaintiff’s Motion for
7 Preliminary Approval of Settlement, filed on February 10, 2022, and Code of Civil Procedure §
8 384(b), the Uncashed Settlement Funds in the amount of \$29,794.14 were distributed to St. Jude’s
9 Children’s Research Hospital, the designated *cy pres* recipient on February 23, 2023. *See* Salinas
10 Decl., ¶ 9.

11 6. The purpose of the distribution to St. Jude’s Children’s Research Hospital is to
12 further its mission to research and treat childhood cancer and other life-threatening diseases.

13 7. Pursuant to C.C.P. § 384(b), the Order and Judgment previously entered on June
14 28, 2022, is hereby amended to reflect the disbursement of the *cy pres* award.

15 8. The Court reserves and retains exclusive and continuing jurisdiction over the
16 Action, the Class Representative, the Settlement Class, and Defendant for the purposes of
17 supervising the implementation, effectuation, enforcement, construction, administration, and
18 interpretation of the Class Settlement Agreement and its Judgment pursuant to Rule 3.769(h) of
19 the California Rules of Court and C.C.P. § 664.6.
20

21 **IT IS SO ORDERED. JUDGMENT IS HEREBY ENTERED.**

22 Dated: W-20, 2023
23

DAVID COHN

Honorable David Cohn
Judge of the Superior Court

1
2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA)
4) ss.
5 COUNTY OF LOS ANGELES)

6 I am employed in the County of Los Angeles, State of California. I am over the age of
7 18 years and not a party to the within action; my business address is 2610 ½ Abbot Kinney
8 Blvd., Redondo Beach, CA 90291

9 On June 16, 2023, I served the document listed below on the parties in this action as follows:

10 - **[PROPOSED] AMENDED FINAL JUDGMENT PURSUANT TO C.C.P. § 384(b)**

11 ☐ (BY HAND DELIVERY) I delivered to an authorized courier or driver authorized by
12 _____ to receive documents to be delivered on the same date.

13 ☐ (BY FEDERAL EXPRESS) I am readily familiar with the practice of collection and
14 processing of correspondence for overnight delivery and know that the document(s)
15 described herein will be deposited in a box or other facility regularly maintained by
16 Federal Express for overnight delivery.

17 X (BY EMAIL) I transmitted said document(s) by electronic mail to the e-mail addresses
18 indicated below pursuant to SB 1146 effective 9/18/20, which codifies parts of
19 Emergency Rules 11 and 12, as amended, and CRC 2.251

20 X (STATE) I declare under penalty of perjury under the laws of the State of California
21 that the above is true and correct.

22 Executed on June 16, 2023 at Redondo Beach, California.

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25 _____
26 Ethan C. Surls
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