

Envelope: 7716122

Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
ktulyathan@diversitylaw.com

William L. Marder (State Bar No. 170131)
Polaris Law Group LLP
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile
bill@polarislawgroup.com

Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

JON BETTERTON, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

ACCENTURE FLEX, LLC, a Delaware limited
liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 20CV368771

(Assigned to the Honorable Sunil R. Kulkarni,
Department 1)

[PROPOSED] JUDGMENT

Date: December 16, 2021
Time: 1:30 pm
Dept.: 1

Complaint Filed: July 29, 2020
Trial Date: None Set

1 On _____, the above-entitled Court granted final approval of the class action
2 settlement and entered its Order Granting Plaintiff's Motion For Final Approval of Class Action
3 Settlement (the "Final Approval Order").

4 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

5 1. Pursuant to Code of Civil Procedure section 664.6 and Rule 3.769(h) of the
6 California Rules of Court, the Court reserves exclusive and continuing jurisdiction over this
7 Action, the Parties and the Class Members for the purposes of supervising:

8 a. The implementation, enforcement, construction, and interpretation of the
9 Settlement, the Order Granting Preliminary Approval of Class Action Settlement entered on
10 August 13, 2021, the plan of allocation, the Final Approval Order, and the Judgment; and

11 b. Distribution of amounts paid under this Settlement as set forth in the Joint
12 Stipulation of Class Action Settlement and Release of Claims ("Stipulation" or "Settlement
13 Agreement").

14 2. The "Settlement Class" or "Class Members" is comprised of and defined as:

15 a. The Wage Statement Class: All current and former non-exempt employees
16 of Defendant in California who were paid shift differential and/or shift premium wages,
17 including without limitation, "ShiftDiff" and/or "ShiftPremPerct" wages, at any time during
18 April 6, 2019, to and including February 6, 2021.

19 b. The Sick Pay Class: All non-exempt employees of Defendant in California
20 who were paid non-discretionary incentive remuneration, including without limitation,
21 "ShiftDiff" and/or "ShiftPremPerct" wages, and sick pay in the same pay period, and whose
22 employment ended (either voluntarily or involuntarily) at any time from April 6, 2017, through
23 and including July 31, 2021.

24 3. Plaintiff Jon Betterton ("Plaintiff") and the members of the Settlement Class shall
25 take from their Complaint only the relief set forth in (a) Settlement Agreement; (b) the Final
26 Approval Order filed on November 22, 2021.

27 4. Plaintiff and all Class Members who have not submitted a valid and timely
28 Request for Exclusion shall be deemed conclusively to have made the releases set forth in the

1 Settlement Agreement, which shall have the force and effect of res judicata.

2 5. The Court awards the following: (1) \$500,000.00 for attorneys' fees; (2)
3 \$8,341.03 in attorney costs; (3) \$10,000.00 to Plaintiff as the class representative for an
4 enhancement award; (4) \$9,950.00 for claims administration costs; and (5) \$75,000.00 to the
5 Labor and Workforce Development Agency.

6 6. The Clerk is hereby directed to close this case.

7
8 IT IS SO ORDERED AND ADJUDGED.

9
10
11 DATED: _____

12 HON. SUNIL R. KULKARNI
13 SUPERIOR COURT OF CALIFORNIA
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28