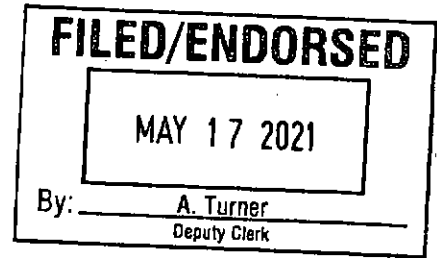


1 William L. Marder, Cal Bar No. 170131
2 POLARIS LAW GROUP, LLP
3 501 San Benito Street, Suite 200
4 Hollister, California 95023
5 Telephone: 831.531.4214
6 Facsimile: 831.634.0333

7 Dennis S. Hyun (State Bar No. 224240)
8 HYUN LEGAL, APC
9 515 S. Figueroa St., Suite 1250
10 Los Angeles, CA 90071
11 (213) 488-6555
12 (213) 488-6554 facsimile

13 Attorneys for Plaintiffs



14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

ALLANTE MILTON and RICK LEWIS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CAPITOL GUEST SERVICES, LLC, a
California limited liability company; and
DOES 1 through 50, inclusive,

Defendants.

CASE NO. 34-2020-00287884

[Assigned to the Hon. David De Alba, Dept. 41]

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND NOTICE
OF JUDGMENT**

Date: June 4, 2021
Time: 11:00 a.m.
Dept.: 41

TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR COUNSEL OF
RECORD:

PLEASE TAKE NOTICE that Plaintiffs Allante Milton and Rick Lewis (collectively,
"Plaintiffs") and Defendant Capitol Guest Services, LLC ("Defendant") (collectively, the
"Parties") hereby submit their Joint Case Management Conference Statement and provide notice
of the Court's judgment. As set forth in Plaintiffs' Motion to Approve Settlement Pursuant to the
Private Attorneys General Act (the "PAGA"), the Parties settled this action. Plaintiffs filed their

BY FAX

1 Motion on March 12, 2021. On May 7, 2021, the Honorable Christopher E. Krueger granted
2 Plaintiffs' Motion for Approval and entered judgment thereon. On May 7, 2021, the Parties filed
3 a Stipulation and Proposed Order to modify the payment schedule to allow Defendant to pay in
4 installments, with the last payment scheduled for August 21, 2021. On May 12, 2021, the Court
5 approved the Parties' Stipulation. Attached hereto as Exhibits "A" and "B" are true and correct
6 copies of the Court's signed Order Approving Settlement and Order Modifying the Parties'
7 Settlement Agreement.

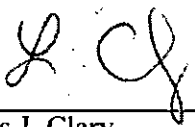
8
9 DATED: May 17, 2021

POLARIS LAW GROUP, LLP

10 By: s/ William L. Marder
11 William L. Marder
Attorneys for PLAINTIFFS

12
13
14 DATED: May 17, 2021

WEINTRAUB TOBIN CHEDIAK COLEMAN
GRODIN

15
16
17 By: 
18 Lukas J. Clary
Attorneys for DEFENDANT

3 **PROOF OF SERVICE**

4 I am a citizen of the United States, employed in the City and County of Sacramento,
5 California. My business address is 400 Capitol Mall, Eleventh Floor, Sacramento, California
6 95814. I am over the age of 18 years and not a party to the within action. On today's date, I
caused to be served the following:

7 **JOINT CASE MANAGEMENT CONFERENCE STATEMENT AND NOTICE OF
JUDGMENT**

8 _____ I am readily familiar with the firm's practice of collection and processing correspondence
9 for mailing in the ordinary course of business. Under this practice, correspondence is collected,
sealed, postage thereon fully prepaid, and deposited the same day with the U. S. Postal Service.

10 _____ I caused the above documents to be served on the parties in this action by placing them in
11 a sealed envelope in the designated area for outgoing mail, addressed as shown below.

12 _____ I caused the above documents to be personally delivered to the addressee(s) set forth
below.

13 _____ I caused the above documents to be served on the parties in this action by causing them to
14 be delivered via Golden State, for next-day delivery to the addressee(s) set forth below.

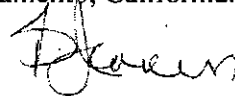
15 XX I caused the above documents to be served on the parties in this action by transmitting them
via e-mail to the addressee(s) indicated below.

16
17 William L. Marder
POLARIS LAW GROUP, LLP
18 501 San Benito St., Suite 200
Hollister, CA 95023
19 bill@polarislawgroup.com

Attorneys for Plaintiffs
Allante Milton and Rick Lewis

20 Dennis S. Hyun
21 HYUN LEGAL, APC
22 515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
23 dhyun@hyunlegal.com

24 I declare under penalty of perjury that the foregoing is true and correct and that this
25 declaration was executed on May 17, 2021, in Sacramento, California.

26 

27

Barbara Jenness

EXHIBIT A

FILED
ENDORSED

2021 MAY -7 PM 2:00

SACRAMENTO COURT
DEPT. #54

1 William L. Marder, Cal Bar No. 170131
2 POLARIS LAW GROUP, LLP
3 501 San Benito Street, Suite 200
4 Hollister, California 95023
5 Telephone: 831.531.4214
6 Facsimile: 831.634.0333

7 Dennis S. Hyun (State Bar No. 224240)
8 HYUN LEGAL, APC
9 515 S. Figueroa St., Suite 1250
10 Los Angeles, CA 90071
11 (213) 488-6555
12 (213) 488-6554 facsimile

13 Attorneys for Plaintiffs

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

ALLANTE MILTON and RICK LEWIS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CAPITOL GUEST SERVICES, LLC, a
California limited liability company; and
DOES 1 through 50, inclusive,

Defendants.

CASE NO. 34-2020-00287884

**PROPOSED ORDER GRANTING
PLAINTIFFS' MOTION TO APPROVE
SETTLEMENT AGREEMENT PURSUANT
TO THE PRIVATE ATTORNEYS GENERAL
ACT**

Date: May 6, 2021
Time: 9:00 a.m.
Department: 54

On ***, 2021, this Court held a hearing on Plaintiffs Allante Milton and Rick Lewis' (collectively, "Plaintiffs") Motion to Approve Settlement Agreement Pursuant to the Private Attorneys Generals Act (the "PAGA"). Plaintiffs appeared and argued through their counsel, Dennis Hyun of Hyun Legal, and Defendant Capitol Guest Services, LLC ("Defendant")



File by Fax

1 appeared and argued through its counsel, Katie A. Collins of Weintraub Tobin. After
2 consideration of the papers and oral argument, the Court granted Plaintiff's Motion to Approve
3 Settlement.

4 ACCORDINGLY, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

5 1. Plaintiff's motion to approve the Settlement Agreement and Release
6 ("Agreement") pursuant to the Private Attorneys General Act, Labor Code § 2698, *et seq.*, is
7 granted.

8 2. Accordingly, Defendant is ordered to fund the \$35,000.00 PAGA Settlement
9 Amount pursuant to the terms of the Agreement.

10 3. Pursuant to Labor Code § 2699(i), the PAGA Settlement Amount of \$35,000.00
11 shall be distributed as follows:

- 12 • \$11,666.67 will be paid as attorneys' fees to Plaintiff's counsel;
- 13 • \$3,526.81 will be paid as Plaintiff's counsel's costs;
- 14 • \$2,500.00 shall be paid to each Plaintiff as compensation (for a total of \$5,000.00)
15 for serving as the PAGA representatives;
- 16 • \$1,150.00 will be paid to Phoenix Settlement Administrators (the "Settlement
17 Administrator") to administer the settlement;

18 4. The remaining balance of approximately \$13,656.52 (the "Net Settlement
19 Amount") shall be distributed as follows:

- 20 • 75%, or \$10,242.39 shall be paid to the Labor Workforce & Development Agency
21 (the "LWDA"), and 25%, or \$3,414.13 shall be paid the Aggrieved Employees.
22 Each Aggrieved Employee's share will be paid on the number of alleged violative
23 wage statements the employee worked during the PAGA Period. Specifically,
24 each Aggrieved Employee shall be allocated a proportionate share of the
25 Aggrieved Employee Amount based on the number of wage statements containing
26 payment of double time and holiday double time wages each Aggrieved Employee
27 received during the PAGA Period. (Agreement at § 2.6). Defendant shall provide
28 data to the Settlement Administrator establishing the number of wage statements

1 containing payment of double time and holiday double time wages each Aggrieved
2 Employee received during the PAGA Period. (*Id.*) The pro rata portion of the
3 Aggrieved Employee Amount shall be determined by dividing the total number of
4 wage statements issued during the PAGA Period containing payment of double
5 time and holiday double time wages into the Aggrieved Employee Amount to
6 arrive at a value per wage statement for each Aggrieved Employee. (*Id.*) The value
7 per wage statement shall be multiplied by the number of wage statements
8 containing payment of double time and holiday double time wages issued to each
9 Aggrieved Employee during the PAGA Period to calculate each Aggrieved
10 Employee's pro rata share of the Aggrieved Employee Amount. (*Id.*) This figure
11 will be known as the "Aggrieved Employee Settlement Award" (defined herein as
12 "the amount of money allocated to each Aggrieved Employee"). (*Id.*)

13 5. The Parties are ordered to carry out the terms of the settlement in accordance with
14 the terms of the Agreement.

15 IT IS SO ORDERED.

16 Dated: 5-7-21



Christopher E. Krueger
JUDGE OF THE SUPERIOR COURT
COUNTY OF SACRAMENTO
CHRISTOPHER E. KRUEGER

17
18
19
20
21
22
23
24
25
26
27
28 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

EXHIBIT B

weintraub tobin chediak coleman grodin
LAW CORPORATION

Lukas J. Clary, State Bar No. 251519
Katie A. Collins, State Bar No. 309475
weintraub tobin chediak coleman grodin
law corporation
400 Capitol Mall, 11th Floor
Sacramento, CA 95814
(916) 558-6000 – Main
(916) 446-1611 – Facsimile

Attorneys for Defendant
CAPITOL GUEST SERVICES, LLC

Dennis S. Hyun
HYUN LEGAL, APC
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
dhyun@hyunlegal.com

Attorneys for Plaintiffs
ALLANTE MILTON and RICK LEWIS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

ALLANTE MILTON and RICK LEWIS,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

CAPITOL GUEST SERVICES, LLC, a
California limited liability Company; and
DOES 1 to 50, Inclusive,

Defendants.

Case No. 34-2020-00287884

CEK
STIPULATION AND ~~PROPOSED~~ ORDER
MODIFYING PREVIOUS ORDER GRANTING
PLAINTIFF'S MOTION TO APPROVE
SETTLEMENT AGREEMENT PURSUANT TO
THE PRIVATE ATTORNEYS GENERAL ACT

Action Filed: October 23, 2020

Defendant Capitol Guest Services, LLC ("Defendant") and Plaintiffs Allante Milton and
Rick Lewis through their respective counsel of record, submit the following stipulation and
[proposed] order:

{3159845.DOCX:}

Stipulation and [Proposed] Order Modifying Previous
Order re Motion to Approve Settlement Agreement

FILED
ENDORSED

2021 MAY 12 PM 2:00

SACRAMENTO COURTS
DEPT. #54

BY FAX



1 1. WHEREAS, Plaintiffs filed this putative class and representative action under the
2 Private Attorneys General Act (the "PAGA") on October 23, 2020, alleging a violation of
3 Labor Code § 226(a) arising from wage statements allegedly not listing the correct overtime
4 and double-time rates;

5 2. WHEREAS, Plaintiffs and Defendant entered into an agreement to settle this
6 action, subject to Court approval, which was memorialized in a settlement agreement that was
7 fully executed on February 8, 2021 (the "Settlement Agreement");

8 3. WHEREAS, Plaintiff filed its motion to approve the Settlement Agreement on
9 March 12, 2021, and the Court entered an Order approving the Settlement Agreement on
10 May 6, 2021 (the "Approval Order");

11 4. WHEREAS, the Settlement Agreement obligates Defendant to send the full
12 payment of \$35,000 to the settlement claims administrator within 15 days of entry of the
13 Approval Order (the "Settlement Payment");

14 5. WHEREAS, Defendant has unexpectedly experienced a recent change in its
15 available cash flow, which will impact the timing of Defendant's ability to make the Settlement
16 Payment;

17 6. WHEREAS, Defendant does not currently have the resources to fund the
18 Settlement Payment within 15 days of entry of the Approval Order, but does anticipate having
19 the available cash flow within 60-90 days of the Approval Order;

20 7. WHEREAS, Defendant is willing and able to make good-faith payments of
21 \$3,000 per month during the months of May, June, and July 2021 before paying the lump
22 sum balance of \$26,000 on or before August 15, 2021; and

23 8. WHEREAS, Plaintiffs and Defendant agree that modifying the Approval Order to
24 allow for payments on the above timeline is in the best interests of the parties, the Aggrieved
25 Employees, and the State of California.

26 NOW, THEREFOR, the Parties hereby stipulate as follows:
27
28

1 1. The Approval Order, entered on May 6, 2021, shall be modified such that
2 Paragraph 3.2 of the Settlement Agreement, requiring Defendant to transfer the Settlement
3 Payment within 15 days of entry of the Approval Order, be stricken;

4 2. Defendant shall be required to transfer the \$35,000 payment to the settlement
5 claims administrator pursuant to the following schedule;

6 (a) \$3,000 on or before May 21, 2021;

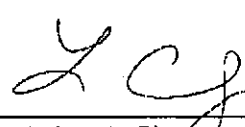
7 (b) \$3,000 on or before June 21, 2021;

8 (c) \$3,000 on or before July 21, 2021; and

9 (d) \$26,000 on or before August 21, 2021.

10
11 Dated: May 7, 2021

weintraub tobin chediak coleman grodin
Law Corporation

12
13
14 By: 

Lukas J. Clary
Katie A. Collins

15
16 Attorneys for Defendant
Capitol Guest Services, LLC
17
18

19 Dated: May 7, 2021

HYUN LEGAL, APC

20
21 By: /s/ Dennis S. Hyun

Dennis S. Hyun

22
23 Attorneys for Plaintiffs
Allante Milton and Rick Lewis
24
25
26
27
28

CEX
[PROPOSED] ORDER

Based on the above stipulation by the parties, the Court hereby orders that:

1. The Approval Order, entered on May 6, 2021, shall be modified such that Paragraph 3.2 of the Settlement Agreement, requiring Defendant to transfer the Settlement Payment within 15 days of entry of the Approval Order, be stricken;

2. Defendant shall be required to transfer the \$35,000 payment to the settlement claims administrator pursuant to the following schedule:

- (a) \$3,000 on or before May 21, 2021;
- (b) \$3,000 on or before June 21, 2021;
- (c) \$3,000 on or before July 21, 2021; and
- (d) \$26,000 on or before August 21, 2021.

IT IS SO ORDERED.

Dated: S-12-2021



JUDGE OF THE SUPERIOR COURT

CHRISTOPHER E. KRUEGER

weintraub tobin chediak coleman gradin
LAW CORPORATION

3 PROOF OF SERVICE

4 I am a citizen of the United States, employed in the City and County of Sacramento,
5 California. My business address is 400 Capitol Mall, Eleventh Floor, Sacramento, California
6 95814. I am over the age of 18 years and not a party to the within action. On today's date, I
7 caused to be served the following:

8 STIPULATION AND [PROPOSED] ORDER MODIFYING PREVIOUS ORDER GRANTING
9 PLAINTIFF'S MOTION TO APPROVE SETTLEMENT AGREEMENT
10 PURSUANT TO THE PRIVATE ATTORNEYS GENERAL ACT

11 XX I am readily familiar with the firm's practice of collection and processing
12 correspondence for mailing in the ordinary course of business. Under this practice,
13 correspondence is collected, sealed, postage thereon fully prepaid, and deposited the same
14 day with the U. S. Postal Service.

15 XX I caused the above documents to be served on the parties in this action by placing them
16 in a sealed envelope in the designated area for outgoing mail, addressed as shown below.

17 I caused the above documents to be personally delivered to the addressee(s) set forth
18 below.

19 I caused the above documents to be served on the parties in this action by causing
20 them to be delivered via Golden State, for next-day delivery to the addressee(s) set forth below.

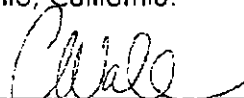
21 XX I caused the above documents to be served on the parties in this action by transmitting
22 them via e-mail to the addressee(s) indicated below.

23 William L. Marder
24 POLARIS LAW GROUP, LLP
25 501 San Benito St., Suite 200
26 Hollister, CA 95023
27 bill@polarislawgroup.com

Attorneys for Plaintiffs
Allante Milton and Rick Lewis

28 Dennis S. Hyun
HYUN LEGAL, APC
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
dhyun@hyunlegal.com

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration was executed on May 7, 2021, in Sacramento, California.


Chrystal Wade

RECEIVED
#1 DROP BOX

1971 MAY 17 PM 03 34

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535