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Superior Court of California
County of Santa Cruz
August 17, 2023
Clerk of the Court by Deputy,
Hanson, Helga

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CRUZ

BERTHA ZAMORA, as an aggrieved
employee pursuant to the Private Attorneys
General Act ("PAGA"), on behalf of the State of
California and other aggrieved employees,

Plaintiff,

vs.

FOX FACTORY, INC., a California
corporation; FOX FACTORY HOLDING
CORP., a Delaware corporation; and DOES 1
through 10, inclusive,

Defendants.

Case No. 20CV02502

Assigned to the Hon. Timothy Volkmann

**~~AMENDED~~ PROPOSED] ORDER
APPROVING THE PARTIES' PAGA
SETTLEMENT AGREEMENT AND
JUDGMENT**

Date: July 27, 2023

Time: 8:30 a.m.

Place: Department 5

Complaint Filed: November 30, 2020

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Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the Settlement, may be construed as, or may be used as, an admission of any fault, wrongdoing, omission, concession, or liability whatsoever by or against Defendants.

8. The settlement of civil penalties under PAGA in the amount of approximately \$792,472.37 is hereby approved. Seventy-Five Percent (75%), or approximately \$594,354.28, shall be paid to the California Labor and Workforce Development Agency. The remaining Twenty-Five Percent (25%), or approximately \$198,118.09, shall be paid to Aggrieved Employees.

9. The Court hereby awards \$416,667 in attorneys' fees and \$20,860.63 costs to Plaintiff's Counsel, Capstone Law APC.

10. The Court approves a Service Award of \$10,000 to Bertha Zamora.

11. The Court appoints CPT Group, Inc. to serve as the Settlement Administrator.

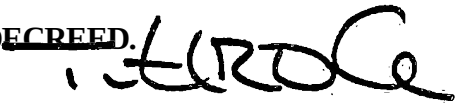
12. This Judgment shall be binding on all Aggrieved Employees and the State of California, who are hereby barred by the doctrine of res judicata from re-litigating the Settled Claims during the Settlement Period, as those terms are defined by the Settlement. *See Arias v. Superior Court*, 46 Cal. 4th 969, 986 (2009) (holding that a judgment in a representative action brought by an aggrieved employee under PAGA is binding not only on the named employee plaintiff but also on state labor law enforcement agencies and any aggrieved employee not a party to the proceeding).

13. Without affecting the finality of the Order and Judgment, the Court shall retain exclusive and continuing jurisdiction under California Code of Civil Procedure § 664.6, over the above-captioned action and the parties for purposes of enforcing the terms of the Judgment and the Settlement.

14. This document shall constitute a judgment under California Code of Civil Procedure § 664.6.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Date 8/17/2023 8:23:08 AM



Hon. Timothy Volkmann
Santa Cruz County Superior Court Judge

PROOF OF SERVICE

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 1875 Century Park East, Suite 1000, Los Angeles, California 90067.

On **August 11, 2023**, I served the document(s) described as: **[AMENDED PROPOSED] ORDER APPROVING THE PARTIES' PAGA SETTLEMENT AGREEMENT AND JUDGMENT** on the interested parties in this action by sending ☐ the original ☒ a true copy thereof ☒ to interested parties as follows [or] ☐ as stated on the attached service list:

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FOX FACTORY, INC.; and

FOX FACTORY HOLDING CORP.

☐ **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s) for mailing in the ordinary course of business at Los Angeles, California. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

☒ **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action.

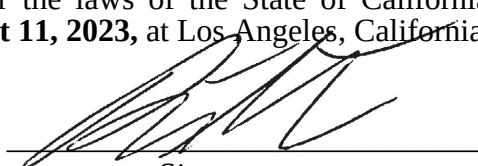
☐ **BY PERSONAL SERVICE:** I caused delivery of the document(s), enclosed in a sealed envelope, by hand via ProLegal Network to the offices of the addressee(s) named herein.

☐ **BY OVERNIGHT DELIVERY:** I am "readily familiar" with this firm's practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up by the carrier at our offices or delivered by our office to a designated collection site.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 11, 2023**, at Los Angeles, California.

Riley McIntire

Type or Print Name



Signature