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Attorneys for Plaintiff Emily Ferrer

[Additional Counsel listed on following page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

EMILY FERRER, ELIJAH WESTCOTT,
MANUEAL BANUELOS MACIAS and on
behalf of themselves and other aggrieved
employees,

Plaintiffs,

v.

FITNESS INTERNATIONAL, LLC, a
California Limited Liability Company;
and DOES 1 through 100, inclusive,

Defendants.

CASE NO. 37-2020-00044088-CU-OE-CTL
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Joel R. Wohlfeil
Department C-73

REPRESENTATIVE ACTION

NOTICE OF ENTRY OF:

**(1) AMENDED ORDER GRANTING
MOTION FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT (“PAGA”)
SETTLEMENT**

(2) AMENDED JUDGMENT

Complaint filed: December 2, 2020
Trial date: Not set

HAIG B. KAZANDJIAN LAWYERS, APC

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Counsel for Plaintiff Elijah Westcott

CAPSTONE LAW APC

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Counsel for Plaintiff Manuel Banuelos Macias

1 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD, AND TO THE LABOR AND
2 WORKFORCE DEVELOPMENT AGENCY:

3 NOTICE IS GIVEN that the Court issued an Amended Order Granting Motion for
4 Approval of Private Attorneys General Act ("PAGA") Settlement filed-stamped July 21, 2023,
5 ("Amended Order"), in the above-captioned matter. A true and correct copy of this Amended
6 Order is attached as Exhibit 1.

7 NOTICE IS FURTHER GIVEN that the Court issued an Amended Judgment filed-
8 stamped July 21, 2023, ("Amended Judgment"), in the above-captioned matter. A true and
9 correct copy of this Amended Judgment is attached as Exhibit 2.

10 Respectfully submitted,

11 **COHELAN KHOURY & SINGER**
12 **HAIG B. KAZANDJIAN LAWYERS, APC**
13 **CAPSTONE LAW APC**

14 Dated: October 11, 2023

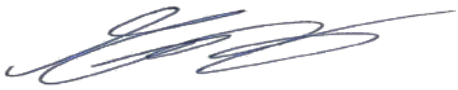
15 By: 
16 Marta Manus
17 Counsel for Plaintiffs EMILY FERRER, ELIJAH
18 WESTCOTT, MANUEAL BANUELOS MACIAS
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EXHIBIT 1

07/21/2023 at 04:00:00 PM

Clerk of the Superior Court
By Mariejo Guyot, Deputy Clerk

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Defendants.

CASE NO. 37-2020-00044088-CU-OE-CTL
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Joel R. Wohlfeil
Department C-73

REPRESENTATIVE ACTION

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

Complaint filed: December 2, 2020
Trial date: Not set

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13 Counsel for Plaintiff Manuel Banuelos Macias

1 Pursuant to the Motion for an Order Granting Approval of the Private Attorneys
2 General Act (“PAGA”) Settlement submitted by Plaintiffs Emily Ferrer, Elijah Westcott, and
3 Manuel Banuelos Macias (“Motion”), and for good cause appearing, having considered the
4 Motion, all legal authorities and documents submitted in support, the Declarations of PAGA
5 Counsel Michael D. Singer, Haig B. Kazandjian, and Raul Perez, Declarations of Plaintiffs
6 Emily Ferrer, Elijah Westcott, Manuel Banuelos Macias, the Private Attorneys General Act
7 Settlement and Release (“Settlement” or “Agreement”), and good cause appearing, IT IS
8 ORDERED that the Motion is GRANTED, subject to the following orders:

9 a) The Court approves the maximum non-reversionary Gross PAGA Amount of
10 \$311,855.00 by Defendant Fitness International, LLC;

11 b) The Court approves and awards to PAGA Counsel, Cohelan Khoury & Singer;
12 Haig B. Kazandjian Lawyers, APC; and Capstone Law APC, attorneys’ fees of \$131,666.67,
13 and litigation costs of \$21,366.76;

14 c) The Court finds the payment of \$16,250.00 to CPT Group, Inc., the
15 Administrator, for expenses incurred and to be incurred, is fair and reasonable, and orders the
16 Administrator to make this payment to itself in accordance with the Settlement;

17 d) The Court approves the PAGA Fund of \$142,571.57, from which

18 i) \$106,928.68 (75%) shall be paid to the California Labor and

19 Workforce Development Agency, and

20 ii) \$35,642.89 (25%) shall be paid to all PAGA Members to be

21 distributed on a proportionate basis;

22 e) If any PAGA Member fails to negotiate their Individual Settlement Payment
23 check within 180 calendar days after issuance, the Administrator shall forward the sums
24 represented by the uncashed checks to the State of California, Controller’s Office, Unclaimed
25 Property Division;

26 f) Pursuant to Labor Code section 2699(l)(3), Plaintiffs shall submit a copy of this
27 Order and Judgment to the California Labor and Workforce Development Agency within 10
28 days after entry of the Order and Judgment.

1 g) Pursuant to California Rules of Court, Rule 3.769(h), the Court retains
2 jurisdiction over the parties with respect to enforcement of this Judgment under California
3 Code of Civil Procedure §664.6.

4
5 **IT IS SO ORDERED.**

6
7 Dated: 07/21/2023



8 _____
The Honorable Joel R. Wohlfeil
9 Judge of the Superior Court

EXHIBIT 2

07/21/2023 at 04:00:00 PM

Clerk of the Superior Court
By Mariejo Guyot, Deputy Clerk

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~~[PROPOSED]~~ AMENDED JUDGMENT

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13 Counsel for Plaintiff Manuel Banuelos Macias

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 The "Gross PAGA Amount" generated by the Private Attorneys General Act Settlement
4 and Release ("Settlement" or "Agreement") agreed to between Plaintiffs Emily Ferrer, Elijah
5 Westcott, and Manual Banuelos Westcott, on behalf of themselves and other PAGA Members
6 (defined below), and the State of California, on the one hand, and Defendant Fitness
7 International, LLC ("Defendant") is Three Hundred, Eleven Thousand, Eight Hundred Fifty-
8 five Dollars (\$311,855.00), which represents the maximum amount payable in this Settlement
9 by Defendant and is the maximum amount Defendant can be required to pay under this
10 Settlement. Through its Order Granting Motion for Approval of Private Attorneys General Act
11 ("PAGA") Settlement, the Court has authorized the following distributions from the Gross
12 PAGA Amount: (1) \$131,666.67 to Plaintiffs' Counsel for attorneys' fees; (2) \$21,366.76 to
13 Plaintiffs' Counsel for litigation costs; and (3) \$16,250.00 to CPT Group, Inc., the
14 administrator, for the costs associated with administering the Settlement.

15 After the aforementioned deductions are made from the Gross PAGA Amount, the
16 remaining sum of \$142,571.57 constitutes the "PAGA Fund," which shall be distributed
17 pursuant to Labor Code section 2699(i) as follows: 75% of the PAGA Fund, \$106,928.68, be
18 paid to the Labor Workforce Development Agency; and 25% of the PAGA Fund, \$35,642.89,
19 be paid to all current and former non-exempt employees of Fitness International, LLC who
20 worked in the following positions during the Covered Period (the pay periods from December
21 1, 2019 through March 15, 2020) in California: Babysitter, Maintenance Detail Crew,
22 Equipment Tech, Facility Manager, Club Pride Supervisor, Janitor, Facility Supervisor, Front
23 Desk Staff, Security, and Membership Sales Counselor (collectively, "PAGA Members")
24 according to the method set forth in the Agreement for calculating Individual Settlement
25 Payments.

26 Pursuant to California Code of Civil Procedure section 664.6, and California Rules of
27 Court, Rule 3.769(h), the Court shall retain continuing jurisdiction over this action and the
28 Parties, including after entry of this Judgment, to the fullest extent necessary to interpret,

1 enforce and effectuate the terms and intent of the Settlement

2 This document shall constitute a judgment for purposed of California Rules of Court,
3 Rule 3.769(h).

4 **IT IS SO ORDERED.**

5
6 Dated: **07/21/2023**



The Honorable Joel R. Wohlfeil
Judge of the Superior Court