

FILED

Superior Court of California
County of Alameda

08/11/2022

Clad Flike, Executive Officer / Clerk of the Court

By:  Deputy

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Attorneys for Plaintiffs Judit Llamas and Cecelia Aranda

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

JUDIT LLAMAS, as an aggrieved employee
pursuant to the Private Attorneys General Act
("PAGA"), on behalf of the State of California
and other non-party Aggrieved Employees,

Plaintiff,

vs.

EASTBAY EQUITIES, INC., an Ohio
corporation; EASTBAY EQUITIES
MANAGEMENT, LLC, an Ohio limited
liability company; and DOES 1 through 10,
inclusive,

Defendants.

Case No. RG20081536

Assigned to the Hon. Eumi Lee

RESERVATION ID: 979160984978

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

Date: July 27, 2022

Time: 1:30 p.m.

Place: Department 512

Complaint Filed: November 23, 2020

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1 finding of the validity of any allegations or of any wrongdoing by Defendants. Neither this Order and
2 Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the
3 Settlement, may be construed as, or may be used as, an admission of any fault, wrongdoing, omission,
4 concession, or liability whatsoever by or against Defendants.

5 8. The settlement of civil penalties under PAGA in the amount of approximately \$355,370
6 is hereby approved. Seventy-Five Percent (75%), or approximately \$266,527.50, shall be paid to the
7 California Labor and Workforce Development Agency. The remaining Twenty-Five Percent (25%), or
8 approximately \$88,842.50, shall be paid to Aggrieved Employees.

9 9. The Court hereby awards \$171,000 in attorneys' fees and \$16,630 costs to Plaintiffs'
10 Counsel, Capstone Law APC.

11 10. The Court approves Service Awards of \$10,000, each, to Judit Llamas and Cecelia
12 Aranda.

13 11. The Court appoints ILYM Group, Inc., to serve as the Settlement Administrator. The
14 Court approves administrative fees and costs in the estimated amount of \$8,000.00.

15 12. This Judgment shall be binding on all Aggrieved Employees and the State of California,
16 who are hereby barred by the doctrine of res judicata from re-litigating the Settled Claims during the
17 Settlement Period, as those terms are defined by the Settlement. *See Arias v. Superior Court*, 46 Cal. 4th
18 969, 986 (2009) (holding that a judgment in a representative action brought by an aggrieved employee
19 under PAGA is binding not only on the named employee plaintiff but also on state labor law
20 enforcement agencies and any aggrieved employee not a party to the proceeding).

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

24 14. The Court ORDERS that 10 percent of the revised fee award (\$17,100.00) shall be kept
25 in the settlement administrator's trust fund until the completion of the distribution process and Court
26 approval of a final accounting. The Administrator shall not release these funds to counsel until the Court
27 determines that these conditions have been met.

28 15. The Court hereby SETS a compliance hearing for December 7, 2022, at 3:00 p.m., in

1 Department 512, Hayward Hall of Justice, at which time the Court will consider evidence that the
2 distribution process is complete and that a final accounting may be approved.

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4 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

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6 Date 08/05/2022



7 Hon. Eumi Lee
8 Alameda County Superior Court Judge
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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 **July 26, 2022** 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:

Joanna L. Brooks, Bar No. 182986
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Cristina L. Piechocki, Bar No. 291860
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1255 Treat Boulevard, Suite 600
Walnut Creek, CA 94597
Telephone: 925.932.2468
Fax No.: 925.946.9809

Attorneys for Defendant
EASTBAY EQUITIES, INC. AND
EASTBAY EQUITIES MANAGEMENT,
LLC

() **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.

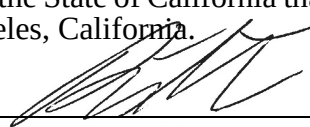
(X) **BY ELECTRONIC SERVICE:** I caused the document(s) to be transmitted electronically via One Legal eService to the individuals listed above, as they exist on that database. This will constitute service of the documents(s)

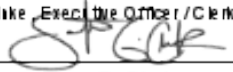
() **BY OVERNIGHT DELIVERY:** I am "readily familiar" with this firm's practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up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

() **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.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **July 26, 2022** at Los Angeles, California.

Riley McIntire
Type or Print Name


Signature

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Hayward Hall of Justice 24405 Amador Street, Hayward, CA 94544	FILED Superior Court of California County of Alameda 08/11/2022
PLAINTIFF/PETITIONER: Judith LLamas	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: Eastbay Equities, Inc. et al	S. Clark
CERTIFICATE OF MAILING	CASE NUMBER: RG20081536

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Hayward, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Bevin Allen Pike
Capstone Law APC
1875 Century Park East
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Los Angeles, CA 90067-

Joanna L. Brooks
Littler Mendelson, P.C.
Treat Towera
1255 Treat Boulevard, Suite 600
Walnut Creek, CA 94597-

Dated: 08/11/2022

Chad Finke, Executive Officer / Clerk of the Court

By:



S. Clark, Deputy Clerk

CERTIFICATE OF MAILING