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FILED
June 1, 2023
Clerk of the Court
Superior Court of CA
County of Santa Clara

20CV372610
By: rwalker

Attorneys for Plaintiff ANTHONY HUIZAR

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

ANTHONY HUIZAR, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

CALIFORNIA SPORTS CENTER, a
California corporation; and DOES 1 through
10, inclusive,

Defendants.

Case No.: 20CV372610

CLASS AND REPRESENTATIVE ACTION

Assigned for All Purposes to the Honorable
Sunil R. Kulkarni, Department 1

~~PROPOSED~~ **AMENDED JUDGMENT
FOLLOWING CLASS ACTION
SETTLEMENT FUND DISTRIBUTION**

Action Filed: November 5, 2020
Trial Date: Not Set

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 On August 8, 2022, the Court, the Honorable Sunil R. Kulkarni presiding, entered an Order
3 approving Plaintiff's Motion for Final Approval of the Class Action settlement ("the Order"), the terms of
4 which settlement were set forth in the in the JOINT STIPULATION OF CLASS AND PAGA ACTION
5 SETTLEMENT AND RELEASE ("Settlement"), and entered Judgment in accordance with the Order.
6 Upon consideration of the declaration of the Settlement Administrator regarding compliance with the terms
7 of the Order, the Court now issues an Amended Judgment authorizing the transfer to the *cy pres*, State
8 Bar's Justice Gap Fund, of all remaining money represented by uncashed or abandoned checks to
9 Settlement Class Members.

10
11 **AMENDED JUDGMENT**

12 In accordance with and for the reasons stated in the Order, an Amended Judgment shall be entered
13 whereby the Plaintiffs and all Settlement Class Members shall take nothing from Defendant, except as
14 expressly set forth in the Settlement, which was previously filed as Exhibit 1 to the Declaration of Kane
15 Moon In Support of Plaintiff's Motion for Final Approval of Class Action and PAGA Action Settlement.
16 All terms used herein shall have the same meaning as defined in the Settlement.

17 Defendant has fully satisfied its obligations under the terms of the Order and the Settlement,
18 including its transfer of \$ \$58,258.06, plus \$8,955.08, for Defendant's portion of employer-side payroll
19 taxes, to the Settlement Administrator.

20 Payment of attorneys' fees to Class Counsel in the amount of \$186,067.41 for awarded attorney's
21 fees and \$16,794.30 for awarded costs is complete.

22 Payment of \$7,500.00 for the Enhancement Award to Anthony Huizar is complete.

23 Payment of \$5,000.00 for the Enhancement Award to Paola Navarro is complete.

24 Payment in the amount of \$13,700.00 to ILYM Group, Inc. for performance of its services as the
25 Settlement Administrator is complete.

26 Payment in the amount of \$37,500.00 to the Labor and Workforce Development Agency in
27 compromise of claims under the Labor Code Private Attorneys General Act of 2004 (Labor Code § 2698
28 *et seq.*) is complete.

1 Payments to all taxing authorities for required wage withholdings is complete.

2 Plaintiffs and the Settlement Class Members have by operation of the Order and Amended
3 Judgment, fully, finally and forever released, relinquished, and discharged Defendant from the Released
4 Claims described in the Settlement.

5 The distribution of checks to participating Settlement Class Members, representing an aggregate
6 amount of \$291,696.35 before payroll tax withholdings is complete, and more than 180 days has passed
7 since the issuance of those checks. A total of \$42,619.11 in checks remains uncashed at this time. Upon
8 receipt of this Amended Judgment, the Settlement Administrator shall cancel the tax documents associated
9 with those un-cashed or abandoned checks, and the Settlement Administrator shall transmit the remaining
10 \$42,619.11 in the Qualified Settlement Fund to the approved *cy pres* recipient (State Bar's Justice Gap
11 Fund), and any interest that has accrued on that amount, so that no funds remain in the account established
12 for this settlement and/or in the custody of the Settlement Administrator.

13 Upon receipt of this signed Amended Judgment, Plaintiff must submit it to Donna Newman at
14 Judicial Council to satisfy C.C.P. Section 384.5.

15
16 **IT IS SO ORDERED.**

17
18 Dated: 6/1/2023



19 Hon. Sunil R. Kulkarni
20 SUPERIOR COURT JUDGE
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3) ss
4 COUNTY OF LOS ANGELES)

5 I am employed in the county of Los Angeles, State of California. I am over the age of 18 and
6 not a party to the within action; my business address is 1055 West Seventh Street, Suite 1880, Los
7 Angeles, California 90017. On June 1, 2023, I served the foregoing document described as:

8 **[PROPOSED] AMENDED JUDGMENT FOLLOWING CLASS ACTION SETTLEMENT**
9 **FUND DISTRIBUTION**

10 X by placing ___ the original X a true copy thereof enclosed in sealed envelope(s)
11 addressed as follows:

12 Jenn Protas
13 Maysa Saeed
14 **HOGUE, FENTON, JONES, & APPEL, INC**
15 55 South Market, Suite 900
16 San Jose, CA 95113
17 Tel.: 408-287-9501
18 Fax: 408-287-2583
19 jenn.protas@hogefenton.com
20 maysa.saeed@hogefenton.com

21 *Attorneys for Defendant California Sports Center*

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

25 X (State) I declare under penalty of perjury under the laws of the State of
26 California that the above is true and correct.

27 Executed on June 1, 2023, at Los Angeles, California.

28 Karen Castillo

Name


Signature