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Attorneys for Plaintiff
KATHLEEN RISHI, individually, and
on behalf of others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

KATHLEEN RISHI, an individual,

Plaintiff,

vs.

COGENT COMMUNICATIONS, Inc., Gregory
Dominguez, an individual, and DOES 1 through
25, inclusive,
Defendants.

Case No. CGC-21-592577

**NOTICE OF ERRATA TO EXHIBIT “C”
TO THE DECLARATION OF
CATHERINE J. COBLE IN SUPPORT OF
MOTION FOR APPROVAL OF PRIVATE
ATTORNEYS GENERAL ACT “PAGA”
SETTLEMENT, AWARD FOR
ATTORNEYS’ FEES AND COSTS,
SERVICE PAYMENT AND ENTERING
JUDGMENT**

Dept.: 302 (Via Videoconference)
Date: April 10, 2023
Time: 9:30 a.m.

Action Filed: June 4, 2021
Trial Date: Vacated

TO THE COURT, AND TO ALL PARTIES AND COUNSEL OF RECORD:

Plaintiff KATHLEEN RISHI (“Plaintiff”) respectfully submits this Notice of Errata to correct an inadvertent clerical error to Exhibit “C” to the Declaration of Catherine J. Coble filed in support of Plaintiff’s Motion for Approval of Private Attorneys General Act “PAGA” Settlement, Award for Attorneys’ Fees and Costs, Service Payment and Entering Judgment, filed on March 16, 2023 (“Coble Declaration”). The Coble Declaration included the wrong version of Exhibit “C,” the proposed letter to Aggrieved Employees explaining the Settlement, the basis for the payment, and including a check for their proportionate share that was agreed to by the Parties. Attached hereto as Exhibit “C” is a true and correct copy of the correct version of the proposed letter to Aggrieved Employees as it should have been filed originally. Plaintiff has not made any other changes to the Coble Declaration in this action. Plaintiff will submit this corrected version of the proposed letter attached hereto as “Exhibit C” to Aggrieved Employees to the Labor and Workforce Development Agency “LWDA” on the same date this Notice of Errata is filed with the Court.

DATED: April 3, 2023

GUNN COBLE LLP

By: 
Beth Gunn
Catherine J. Coble
Attorneys for Plaintiff
KATHLEEN RISHI, and all others similarly
situated

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EXHIBIT C

NOTICE OF PAGA SETTLEMENT AND RELEASE OF CLAIMS

Kathleen Rishi v. Cogent Communications, Inc.

San Francisco County Superior Court, Case No. CGC-21-592577

I. NOTICE OF PAGA SETTLEMENT

The San Francisco County Superior Court (the “Court”) approved a settlement in the above action filed by Kathleen Rishi (“Plaintiff”) on behalf of herself and all other allegedly Aggrieved Employees against Cogent Communications, Inc. (“Cogent” or “Defendant”).

Plaintiff filed the lawsuit seeking to recover civil penalties for violations of the California Labor Code on behalf of the California Labor and Workforce Development Agency (“LWDA”) and other allegedly Aggrieved Employees under the California Private Attorneys General Act (“PAGA”). These civil penalties are based on Plaintiff’s allegations that Cogent failed to reimburse aggrieved employees for necessary work-from-home business expenses.

The Court has not made a determination about Plaintiff’s claims. This Notice is not an expression of any opinion by the Court as to the merits of Plaintiff’s claims.

Defendant denies Plaintiff’s allegations. It enters into this Settlement with no admission of liability and solely to compromise and settle the action.

You are receiving this Notice because Defendant’s records indicate that you are in the group of employees referred to as allegedly “Aggrieved Employees,” defined as: “all individuals who are or were non-exempt employees of Defendant in California at any time during the time period of December 18, 2019 through February 28, 2022 and who were not reimbursed for necessary business expenses incurred while performing work from home.”

II. INDIVIDUAL PAGA PAYMENT

The Parties calculated each allegedly Aggrieved Employee’s share on a pro rata basis (*i.e.*, proportional) based on the number of pay periods worked by each allegedly Aggrieved Employee in the Settlement Period of December 18, 2019 through February 28, 2022, based on Defendant’s records. Defendant has enclosed your payment with this Notice.

III. RELEASE

The Court approved the PAGA Settlement Agreement (“Settlement”). By operation of the Settlement’s terms, all allegedly Aggrieved Employees, including you, individually and on behalf of their respective successors, assigns, agents, attorneys, executors, heirs and personal representatives, shall fully and finally release and discharge Defendant and each of its present and former parents, affiliated companies and entities, divisions and subsidiaries, and each of its respective present and former directors, partners, officers, shareholders, representatives, employees, attorneys, insurers, predecessors, successors, assigns, agents, and any individual or entity that could be jointly liable with Defendant from the PAGA claim alleged in Plaintiff’s Complaint as the thirteenth cause of action in the Civil Action. The release expressly covers any Aggrieved Employee’s potential PAGA claim based on failure to reimburse for necessary work-from-home business expenses during the PAGA period which might result in PAGA penalties, interest, and/or attorneys’ fees and costs during the period of December 18, 2019 through February 28, 2022.

The Settlement will bar you and any allegedly Aggrieved Employee covered by this Agreement (including you) from proceeding with any claim under the PAGA released by this Settlement.

IV. QUESTIONS

You may contact the attorneys listed below with any questions:

Counsel for Plaintiff / Aggrieved Employees: Beth Gunn beth@gunncoble.com Catherine Coble cathy@gunncoble.com GUNN COBLE LLP 3555 Casitas Avenue Los Angeles, CA 90039 Telephone: 818.900.0695 Facsimile: 818.900.0723	Counsel for Defendant Cogent Communications, Inc.: Donald Sullivan Donald.Sullivan@jacksonlewis.com JACKSON LEWIS P.C. 50 California Street, 9th Floor San Francisco, CA 94111 Telephone: (415) 394-9400 Facsimile: (415) 394-9401
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PLEASE DO NOT CONTACT THE COURT

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