

Page 1 of 2

|                                                      |                            |
|------------------------------------------------------|----------------------------|
| PLAINTIFF/PETITIONER: Maria Capetillo                | CASE NUMBER:               |
| DEFENDANT/RESPONDENT: Love Those Wings, Inc., et al. | 30-2021-01183363-CU-OE-CXC |

**PROOF OF SERVICE BY FIRST-CLASS MAIL  
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

**(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)**

- I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*): 4550 East Thousand Oaks Blvd., Suite 100, Westlake Village, CA 91362
  - I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):
    - ☐ deposited the sealed envelope with the United States Postal Service.
    - ☒ placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
  - The *Notice of Entry of Judgment or Order* was mailed:
    - on (*date*): 01/10/2023
    - from (*city and state*): Westlake Village, CA
  - The envelope was addressed and mailed as follows:
 

|                                                                                                                                                                                                                                                                              |                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>Name of person served: ATKINSON, ANDELSON, LOYA, RUUD &amp; ROMO<br/>Sarkis A. Atoyan, Esq.; Michael J. O'Connor,<br/>Street address: 201 South Lake Avenue, Suite 300<br/>City: Pasadena<br/>State and zip code: CA 91101</li> </ol> | <ol style="list-style-type: none"> <li>Name of person served:<br/>Street address:<br/>City:<br/>State and zip code:</li> </ol> |
| <ol style="list-style-type: none"> <li>Name of person served:<br/>Street address:<br/>City:<br/>State and zip code:</li> </ol>                                                                                                                                               | <ol style="list-style-type: none"> <li>Name of person served:<br/>Street address:<br/>City:<br/>State and zip code:</li> </ol> |

☐ Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)
  - Number of pages attached 5.
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- Date: 01/10/2023

Jeremy Reyes

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)



1 DANIEL F. GAINES, ESQ. SBN 251488  
daniel@gaineslawfirm.com  
2 ALEX P. KATOFISKY, ESQ. SBN 202754  
alex@gaineslawfirm.com  
3 EVAN S. GAINES, ESQ. SBN 287668  
evan@gaineslawfirm.com  
4 GAINES & GAINES, APLC  
4550 East Thousand Oaks Boulevard, Suite 100  
5 Westlake Village, CA 91362  
Telephone: (818) 703-8985  
6 Facsimile: (818) 703-8984

7 Attorneys for Plaintiff Maria Capetillo  
and Proposed Class Counsel  
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF ORANGE  
11

12 MARIA CAPETILLO, on behalf of herself  
and all "aggrieved employees" pursuant to  
13 Labor Code § 2698 et seq.,

14 Plaintiff,

15 v.

16 LOVE THOSE WINGS, INC., a California  
corporation, and DOES 1 through 10,  
17 inclusive,

18 Defendants.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE

JAN 09 2023

DAVID H. YAMASAKI, Clerk of the Court

BY CTH DEPUTY

Case No.: 30-2021-01183363-CU-OE-CXC

*Assigned For All Purposes to the Honorable Judge  
William Claster, Dept. CX104*

CLASS ACTION

~~[AMENDED PROPOSED]~~ ORDER AND  
JUDGMENT GRANTING FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT

DATE: January 6, 2023

TIME: 9:00 A.M.

DEPT.: CX-104

*Action Filed: February 9, 2021*

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came  
2 before this Court on January 6, 2023. The above-captioned Action is a class action lawsuit brought  
3 by Plaintiff Maria Capetillo ("Plaintiff") against Defendant Love Those Wings, Inc. ("Defendant")  
4 (collectively, the "Parties"). Plaintiff alleges, on behalf of a class of Defendant's current and former  
5 employees, that Defendant failed to pay all wages due, failed to provide meal and rest periods or  
6 compensation in lieu thereof, failed to pay wages due timely upon separation of employment, and  
7 failed to comply with itemized wage statement provisions. Defendant denies any and all alleged  
8 wrongdoing, and denies any liability to the Plaintiff or to members of the Class. Defendant  
9 contends that that it has complied at all times with California law, including the California Labor  
10 Code, the Industrial Commission Wage Orders, and the California Business and Professions Code.

11 On July 7, 2022, this Court entered an Order Granting Preliminary Approval of Settlement,  
12 resulting in certification of the following provisional Settlement Class: "all individuals who worked  
13 for Love Those Wings, Inc. as hourly and/or non-exempt employees in California at any time  
14 between February 9, 2017 and February 28, 2022."

15 That Order further directed the Parties to provide Notice to the Class, which informed absent  
16 class members of: (a) the proposed Settlement, and the Settlement's key terms; (b) the date, time  
17 and location of the Final Approval Hearing; (c) the right of any Class Member to object to the  
18 proposed Settlement, and an explanation of the procedures to exercise that right; (d) the right of  
19 any Class Member to exclude themselves from the proposed Settlement, and an explanation of the  
20 procedures to exercise that right; and (e) an explanation of the procedures for class members to  
21 participate in the proposed settlement.

22 The Court, upon Notice having been given as required in the Preliminary Approval Order,  
23 and having considered the First Amended Settlement Agreement and Release of Claims, attached  
24 hereto as **Exhibit 1** (the "Settlement"), as well as all papers filed, hereby ORDERS, ADJUDGES  
25 AND DECREES AS FOLLOWS:

26 1. This Court has jurisdiction over the subject matter of the Action and over all Parties  
27 to the Action, including all members of the Settlement Class.  
28

1           2.     The Court finds that the Settlement Class is properly certified for settlement  
2 purposes only.

3           3.     The Notice provided to the Settlement Class conforms with the requirements of  
4 California Code of Civil Procedure section 382, California Civil Code section 1781, California  
5 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other  
6 applicable law, and constitutes the best notice practicable under the circumstances, by providing  
7 individual notice to all Class Members who could be identified through reasonable effort, and by  
8 providing due and adequate notice of the proceedings and of the matters set forth therein to the  
9 Class Members. The notice fully satisfied the requirements of due process.

10          4.     The Court finds the settlement was entered into in good faith, that the settlement is  
11 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable  
12 requirements for final approval of this class action settlement under California law, including the  
13 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule  
14 3.769. The Court approves the Maximum Settlement Amount of Three Hundred Thousand Dollars  
15 (\$300,000).

16          5.     Zero (0) Class Members have objected to the terms of the Settlement.

17          6.     The following two (2) Class Members have requested exclusion from the Settlement  
18 and shall not be bound by the Judgment or class release in the Settlement: Roxana Hernandez and  
19 Conrad C. Carter.

20          7.     Upon entry of this Order, compensation to the participating members of the  
21 Settlement Class and PAGA Members shall be affected pursuant to the terms of the Settlement  
22 Agreement.

23          8.     In addition to any recovery that Plaintiff may receive from the Net Settlement  
24 Proceeds, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court  
25 hereby approves the payment of an incentive award to Plaintiff Maria Capetillo in the amount of  
26 Two Thousand Five Hundred Dollars (\$2,500). This shall be paid from the Maximum Settlement  
27 Amount.  
28

9. The Court approves the payment of attorneys' fees to Class Counsel in the sum of Ninety Thousand Dollars (\$90,000), and the reimbursement of litigation expenses in the sum of Six Thousand Six Hundred Fifty-One Dollars and Sixty-One Cents (\$6,651.61). This shall be paid from the Maximum Settlement Amount.

10. The Court approves and orders payment in the amount of Fifteen Thousand Dollars (\$15,000) to ILYM Group, Inc. for performance of its settlement administration services. This shall be paid from the Maximum Settlement Amount.

11. The Court approves and orders payment in the amount of Fifteen Thousand Dollars (\$15,000) to the California Labor and Workforce Development Agency for its 75% share of PAGA penalties, and Five Thousand Dollars (\$5,000) to the PAGA Members for their 25% share of the PAGA penalties. This shall be paid from the Maximum Settlement Amount.

12. Upon the entry of this Order and Judgment, and subject to the occurrence of the Effective Date, Plaintiff, the PAGA Members, and all Class Members shall be deemed to have released the Released Parties from the Released Claims as more fully defined in the Settlement Agreement.

13. Upon completion of administration of the Settlement, the parties shall file a declaration stating that claims have been paid and that the terms of the settlement have been completed. A copy of this order and judgment shall be mailed to all Class Members with their settlement payments.

14. This "Judgment" is intended to be a final disposition of the above captioned action in its entirety, and is intended to be immediately appealable.

11

4

11

4

11

11

1           15. This Court shall retain jurisdiction with respect to all matters related to the  
2 administration and consummation of the settlement, and any and all claims, asserted in, arising out  
3 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to  
4 the settlement and the determination of all controversies relating thereto.

5           **IT IS SO ORDERED.**

6  
7 Dated: 1-9-23

William D. Claster  
JUDGE OF THE SUPERIOR COURT  
William D. Claster

8  
9  
10           **APPROVED AS TO FORM AND CONTENT:**

11  
12 Dated: January 6, 2023

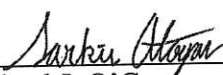
GAINES & GAINES, APLC

13  
14 By: 

Daniel F. Gaines  
Alex P. Katofsky  
Counsel for Plaintiff and Class  
Representative Maria Capetillo

15  
16  
17  
18 Dated: January 6, 2023

ATKINSON, ANDELSON, LOYA, RUUD  
& ROMO

19  
20 By: 

Michael J. O'Connor, Jr.  
Sarkis Atoyan  
Counsel for Defendant Love Those Wings,  
Inc.