

FILED
San Francisco County Superior Court

OCT 30 2023

CLERK OF THE COURT
BY: [Signature] Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 304

BENITO SEGURA, on behalf of himself and all
other persons similarly situated,

Plaintiff,

v.

ALTIA TRANSPORTATION COMPANY,
THOMAS GASPARINI, and DOES 1-10,
inclusive,

Defendants.

Case No. CGC-20-586926

**SECOND AMENDED JUDGMENT
AFTER ENTRY OF ORDER GRANTING
MOTION FOR FINAL APPROVAL OF
CLASS ACTION & PAGA
SETTLEMENT**

Judgment is hereby entered in accordance with the terms of this Court's Order Granting Motion for Final Approval of Class Action & PAGA Settlement. The Order Granting Motion for Final Approval of Class Action & PAGA Settlement is hereby incorporated by reference.

The Class is defined as: "All non-exempt delivery drivers who have worked for Defendants Altia Transportation Company and/or Thomas Gasparini within the State of California at any time from September 16, 2016 through March 7, 2022."

There were no objections or requests for exclusion.

The gross amount generated by the settlement is \$448,000. Through its Final Approval Order, the Court authorized the following distributions from the gross settlement amount: (1) \$5,000 as a service award to Plaintiff Benito Segura; (2) \$149,333.33 for attorneys' fees; (3) \$7,137.10 for litigation costs; (4) \$5,950 to Phoenix Settlement Administrators for the costs of settlement administration; and (5) \$10,000 in settlement of the Private Attorneys General Act ("PAGA") cause of action, of which \$7,500 will be distributed to California's Labor Workforce and Development Agency ("LWDA"), and \$2,500 will be distributed to PAGA Members.

Payments from the Net Settlement Amount (the maximum amount that will be available for distribution to participating Class Members) shall be determined by the Settlement Administrator and be due to Class Members on a pro rata basis as Individual Settlement Payments, which shall be calculated based on the number of pay periods worked by each Class Member compared to the total workweeks worked by all Participating Class Members during the Class Period (Settlement¹ at § III.B.1).

Should one or more Class Members fail to cash the check for their Settlement Shares within 180 days after it is mailed to their last known address, and if the aggregate funds represented by the uncashed checks total five thousand dollars (\$5,000.00) or more, they will be distributed to each Class Member who is participating in the Settlement and cashed the check for his or her Settlement Share, in the same pro rata shares as the Class Member's Settlement Share

¹ The operative settlement agreement is attached as Exhibit 1 to the Third Supplemental Declaration of Joseph Sutton filed March 4, 2022.

1 divided by the sum of all Settlement Shares of Class Members who cashed checks for their
2 Settlement Shares. If the aggregate funds represented by the uncashed checks total less than five
3 thousand dollars (\$5,000.00), they will be donated to Centro Legal de la Raza. The Court
4 approves Centro Legal de la Raza as a cy pres beneficiary pursuant to Code of Civil Procedure
5 section 384(b).

6 As of February 22, 2023, the amount of residual funds totaled \$11,373.50. On March 22,
7 2023, the Court directed the Settlement Administrator to effect a second distribution of
8 \$10,823.50 to Settlement Class Members who cashed their initial settlement checks in the same
9 pro rata manner as the initial distribution as set forth in the Settlement Agreement. The Court
10 also directed payment of \$550.00 to the Settlement Administrator for settlement administration
11 costs pertaining to the second distribution.

12 As of October 27, 2023, the total amount of residual funds is \$391.16. The Court hereby
13 directs the Settlement Administrator to tender \$391.16 to Centro Legal de la Raza.

14 The Court retains exclusive and continuing jurisdiction over the litigation for purposes of
15 supervising, implementing, interpreting, and enforcing the Settlement Agreement and Judgment
16 pursuant to California Rules of Court, rule 3.769(h).

17 This document shall constitute a judgment for purposes of California Rules of Court, rule
18 3.769(h).

19 Pursuant to Labor Code section 2699(1)(3), Plaintiff shall submit a copy of this Judgment
20 to the LWDA within ten days after entry of this Judgment.

21
22 **IT IS SO ADJUDGED, ORDERED, AND DECREED.**

23
24
25 Dated: October 30, 2023



Ethan P. Schulman
Judge of the Superior Court

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)

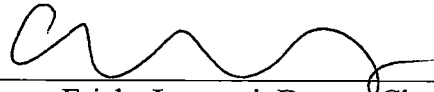
I, Ericka Larnauti, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On October 30, 2023, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: October 30, 2023

Brandon E. Riley, Clerk

By:

A handwritten signature in black ink, appearing to read 'Ericka Larnauti', written over a horizontal line.

Ericka Larnauti, Deputy Clerk