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Attorneys for Defendants
EVOLUTION SURGICAL, INC.,
ROB LAW, KELLY COAN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

BENJAMIN LEVINE,

Plaintiff,

vs.

EVOLUTION SURGICAL, INC., a corporation,
KELLY COAN, an individual, ROB LAW, an
individual and DOES 1 to 10, inclusive,

Defendants.

Case No. 21-CV-000812

Judge: Hon. Frank Roesch

**[PROPOSED] ORDER IN SUPPORT OF
JOINT MOTION FOR PAGA
SETTLEMENT APPROVAL**

Date: April 20, 2023
Time: 3:30 p.m.
Dept: 17

*[Filed Concurrently with Notice of Joint Motion
and Joint Motion for PAGA Settlement
Approval; Memorandum of Points and
Authorities; Declaration of Jeffrey M. Curtiss In
Support of Joint Motion for PAGA Settlement
Approval]*

Reservation No.: 356750104468

Action Filed: October 14, 2021
Trial Date: January 17, 2023

The Court, having reviewed the terms of the Parties' PAGA Settlement Agreement and the
Parties' Joint Motion for Court Approval of the PAGA Settlement Agreement, finds that good
cause exists to GRANT the Motion and APPROVES the allocation of PAGA penalties as follows:

1 1. The payment to be allocated to fully resolve Plaintiff's PAGA claims shall be
2 \$5,000.00. Plaintiff shall submit 75% of the PAGA settlement amount to the LWDA, and the
3 remaining 25% of the PAGA settlement amount shall be allocated among the PAGA aggrieved
4 individuals based on each individual's proportionate share of the weeks worked during the PAGA
5 Period.

6 2. Plaintiff's counsel is ORDERED to submit a copy of this Order to the LWDA within
7 10 days of the date of this Order, pursuant to California Labor Code § 2699(l)(3).

8 3. The Court directs all payments to be made pursuant to the PAGA Settlement
9 Agreement shall be effectuated within 45 days of the date of this order.

10 4. Under California Code of Civil Procedure § 664.6, the Court shall have and retain
11 continuing jurisdiction over this action, the Parties, and the aggrieved employees, including after the
12 entry of this Order, to the fullest extent necessary to interpret, enforce, and effectuate the terms and
13 intent of the Settlement Agreement and this Order.

14
15 IT IS SO ORDERED.

16
17 Dated: _____, 2023

18
19 _____
HON. FRANK ROESCH

PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1150 West 79th Street, Los Angeles, California, 90044. On March 14, 2023, I served a copy of the within document(s):

[PROPOSED] ORDER IN SUPPORT OF JOINT MOTION FOR PAGA SETTLEMENT APPROVAL

- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- ☒ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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Attorneys for Defendants
EVOLUTION SURGICAL, INC.,
ROB LAW, KELLY COAN

California Labor & Workforce Development Agency
800 Capitol Mall, Suite 5000 (MIC-55)
Sacramento, CA 95814

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on March 14, 2023, at Los Angeles, California.


DeEtra Crudup