

AMENDMENT TO PAGA SETTLEMENT AGREEMENT

1. This Amendment serves to modify the terms of the PAGA Settlement Agreement executed by the Parties on February 22, 2024.

2. The Notice of Settlement attached hereto as Exhibit A is hereby incorporated by reference herein to the Settlement Agreement.

3. Plaintiff's invoices for costs have all been received and total \$9,606.35, requiring the following adjustments to be made to the listed paragraphs, below:

a. 1.23 "PAGA Penalties" means the total amount of PAGA civil penalties to be paid from the Gross Settlement Amount, allocated 25% to the Aggrieved Employees (\$11,067.16) and the 75% to LWDA (\$33,201.49) in settlement of PAGA claims.

b. 3.2.1. To PAGA Counsel: A PAGA Counsel Fees Payment of not more than 45% which is currently \$46,125.00 and PAGA Counsel Litigation Expenses Payment of \$9,606.35. Summer House will not oppose requests for Court approval of these payments. Plaintiff and/or PAGA Counsel will file an application or motion for approval of Settlement including PAGA Counsel Fees Payment and PAGA Litigation Expenses Payment. If the Court approves a PAGA Counsel Fees Payment less than the amount requested, the fee will be considered fixed by the Court ("fixed fee"), and the Administrator will allocate the remainder to the Net Settlement Amount, which will necessarily augment the PAGA Penalties. Released Parties shall have no liability to PAGA Counsel or any other Plaintiff's Counsel arising from any claim to any portion any PAGA Counsel Fee Payment and/or PAGA Counsel Litigation Expenses Payment. The Administrator will pay the PAGA Counsel Fees Payment and PAGA Counsel Expenses Payment using one or more IRS 1099 Forms. PAGA Counsel assumes full responsibility and liability for taxes owed on the PAGA Counsel Fees Payment and the PAGA Counsel Litigation Expenses Payment and holds Summer House harmless, and indemnifies Summer House, from any dispute or controversy regarding any division or sharing of any of these Payments.

c. 3.2.3. To the LWDA and Aggrieved Employees. PAGA Penalties in the amount of \$44,268.65 to be paid from the Gross Settlement Amount, with 75% (\$33,201.49) allocated to the LWDA PAGA Payment and 25% (\$11,067.16) allocated to the Individual PAGA Payments by all Aggrieved Employees during the PAGA Period and (b) multiplying the result by each Aggrieved Employee's PAGA Period Pay Periods. Aggrieved Employees assume full responsibility and liability for any taxes owed on their Individual PAGA Payment.

d. 3.2.3.1. The Administrator will calculate each Individual PAGA Payment by (a) dividing the amount of the Aggrieved Employees' 25% share of PAGA Penalties (\$11,067.16) by the total number of PAGA Period Pay Periods worked by all Aggrieved Employees during the PAGA Period and (b) multiplying the result by each Aggrieved Employee's PAGA Period Pay Periods. Aggrieved Employees assume full responsibility and liability for any taxes owed on their Individual PAGA Payment.

AMENDMENT TO PAGA SETTLEMENT AGREEMENT

e. 5.1. Aggrieved Employee Pay Periods. Based on a review of its records, Summer House has identified 224 Aggrieved Employees who worked a total 5,564 PAGA Pay Periods during the PAGA Period.

IN WITNESS WHEREOF, the Parties hereto hereby execute this Amendment to the PAGA Settlement Agreement as of the dates set forth opposite their names.

Dated: 05 / 02 / 2024



JENNIFER BERNSTEIN, Plaintiff

Dated: 5/02/2024

SUMMER HOUSE, INC., Defendant

By: Julie Kirby

Its: Asst Program Manager

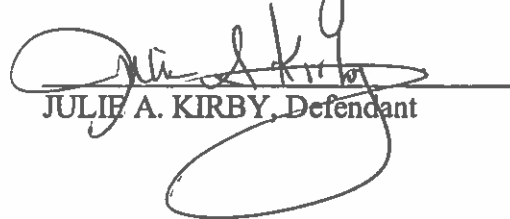
Dated: 5/02/2024

DAVIS SUMMER HOUSE, INC.,
Defendant

By: Julie Kirby

Its: Asst Program Manager

Dated: 5/02/2024



JULIE A. KIRBY, Defendant

Title	2024-05-02 PAGA Amendment - D Signed.pdf
File name	2024-05-02%20PAGA...%20D%20Signed.pdf
Document ID	6abda72aceadfb98cea3409d383aad716a94a072
Audit trail date format	MM / DD / YYYY
Status	● Signed

This document was requested from app.clio.com

Document History



SENT

05 / 02 / 2024

21:14:44 UTC

Sent for signature to Jennifer Bernstein
(jlbernst@yahoo.com) from kim@ko-legal.com
IP: 47.51.42.222



VIEWED

05 / 02 / 2024

23:15:16 UTC

Viewed by Jennifer Bernstein (jlbernst@yahoo.com)
IP: 174.160.190.100



SIGNED

05 / 02 / 2024

23:18:03 UTC

Signed by Jennifer Bernstein (jlbernst@yahoo.com)
IP: 174.160.190.100



COMPLETED

05 / 02 / 2024

23:18:03 UTC

The document has been completed.