

1. A judgment, decree, or order was entered in this action on *(date)*: September 19, 2024
2. A copy of the judgment, decree, or order is attached to this notice.

Gregory Mauro, Esq.			
(TYPE OR PRINT NAME OF	☒	ATTORNEY	☐ PARTY WITHOUT ATTORNEY)


(SIGNATURE)

PLAINTIFF/PETITIONER: Nhyela Washington
 DEFENDANT/RESPONDENT: Predicine, Inc.

CASE NUMBER:
 21CV003730

**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.)

1. 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*):

2. 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*):

- a. ☐ deposited the sealed envelope with the United States Postal Service.
 b. ☐ 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.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on (*date*):
 b. from (*city and state*):

4. The envelope was addressed and mailed as follows:

a. Name of person served:

Street address:

City:

State and zip code:

c. Name of person served:

Street address:

City:

State and zip code:

b. Name of person served:

Street address:

City:

State and zip code:

d. Name of person served:

Street address:

City:

State and zip code:

☐ Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME OF DECLARANT)

_____
 (SIGNATURE OF DECLARANT)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

NHYELA WASHINGTON,
Plaintiff/Petitioner(s)
VS.
PREDICINE, INC., a Delaware
Corporation
Defendant/Respondent
(s)

No. 21CV003730

Date: 09/19/2024

Time: 10:00 AM

Dept: 23

Judge: Michael Markman

ORDER re: Hearing on Motion -

Other Final Fairness; filed
by NHYELA WASHINGTON,
(Plaintiff); Case
Management Conference
filed by NHYELA
WASHINGTON, (Plaintiff)
on 08/26/2024

The counsel appeared via zoom at 10:30am. No one appeared to object. The court will affirm the tentative ruling and grants the motion for final approval.

BACKGROUND

This is a wage-and-hour class action and PAGA representative action. The parties agreed to settle the claims for \$144,683.77. The parties seek final approval of the settlement, approving \$48,227.92 in attorney's fees; \$15,654.64 in litigation costs; an enhancement payment of \$5,000.00 for the named plaintiff; settlement administration costs of \$4,000.00; and \$4,000.00 in PAGA civil penalties (75% of penalties to California Labor and Workforce Development Agency (LWDA) and 25% to aggrieved employees). The remaining amount is to be distributed among participating class members and aggrieved employees in proportion on a pro rata basis. The court granted preliminary approval of the settlement on April 22, 2024.

LEGAL STANDARD

To prevent "fraud, collusion or unfairness to the class, the settlement or dismissal of a class action requires court approval." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1800.) A court "must determine the settlement is fair, adequate, and reasonable." (*Id.* at p. 1801.) A "'presumption of fairness exists where: (1) the settlement is reached through arm's-

ORDER re: Hearing on Motion - Other Final Fairness; filed by NHYELA
WASHINGTON, (Plaintiff); Case Management Conference
filed by NHYELA WASHINGTON, (Plaintiff) on 08/26/2024

Page 1 of 3

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small.” (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 128 [quoting *Dunk, supra*, at p. 1801].)

Similarly, a “trial court should evaluate a PAGA settlement to determine whether it is fair, reasonable, and adequate in view of PAGA’s purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws.” (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77 [noting overlap of factors in class action analysis, “including the strength of the plaintiff’s case, the risk, the stage of the proceeding, the complexity and likely duration of further litigation, and the settlement amount”].)

DISCUSSION

In this case, the parties mediated and reached settlement after arm’s length negotiations, counsel conducted sufficient investigation and discovery to allow counsel and the court to act intelligently, and counsel has significant experience in litigating class actions. (See *Hawkins Decl.*, ¶¶ 5–24.) The settlement administrator mailed notice to 66 class members, with only one considered undeliverable after skip tracing. (*Nava Decl.*, ¶¶ 7–10.) The administrator received one request for exclusion and no objections. (*Id.*, ¶¶ 11, 12.) The motion for final approval is unopposed.

ORDER

Plaintiff’s motion for final approval is GRANTED, and the court will enter the proposed order. The court further ORDERS that 10% of the attorney’s fee award be held by the settlement administrator until completion of the distribution process and court approval of a final accounting. A final compliance hearing is set for June 26, 2025 at 10:00 am in Department 23. Plaintiff is ordered to file a final report and declaration regarding distribution at least five (5) court days before the compliance hearing. No appearances will be required if the report and declaration establish that the distributions are complete.

The Motion for Final Approval of Settlement filed by NHYELA WASHINGTON, on 08/26/2024 is Granted.

Compliance Hearing re final accounting is scheduled for 06/26/2025 at 10:00 AM in Department 23 at Rene C. Davidson Courthouse.

The Case Management Conference scheduled for 09/19/2024 is continued to 06/26/2025 at 10:00 AM in Department 23 at Rene C. Davidson Courthouse .

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Dated : 09/19/2024

A handwritten signature in black ink, appearing to read "Michael Markman".

Michael Markman / Judge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse, Department 23

JUDICIAL OFFICER: HONORABLE MICHAEL MARKMAN

Courtroom Clerk: Ana Liza Tumonong

CSR: None

21CV003730

September 19, 2024

10:00 AM

WASHINGTON,

vs

PREDICINE, INC., A DELAWARE CORPORATION

MINUTES

APPEARANCES:

Plaintiff NHYELA WASHINGTON, represented by Michael Calvo and Ava Issary appeared for James Ross Hawkins via virtual conference.

Defendant PREDICINE, INC., a Delaware Corporation represented by Sarah Zenewicz via virtual conference.

NATURE OF PROCEEDINGS: Hearing on Motion - Other Final Fairness; filed by NHYELA WASHINGTON, (Plaintiff); Case Management Conference filed by NHYELA WASHINGTON, (Plaintiff) on 08/26/2024

The counsel appeared via zoom at 10:30am. No one appeared to object. The court will affirm the tentative ruling and grants the motion for final approval.

BACKGROUND

This is a wage-and-hour class action and PAGA representative action. The parties agreed to settle the claims for \$144,683.77. The parties seek final approval of the settlement, approving \$48,227.92 in attorney's fees; \$15,654.64 in litigation costs; an enhancement payment of \$5,000.00 for the named plaintiff; settlement administration costs of \$4,000.00; and \$4,000.00 in PAGA civil penalties (75% of penalties to California Labor and Workforce Development Agency (LWDA) and 25% to aggrieved employees). The remaining amount is to be distributed among participating class members and aggrieved employees in proportion on a pro rata basis. The court granted preliminary approval of the settlement on April 22, 2024.

LEGAL STANDARD

To prevent "fraud, collusion or unfairness to the class, the settlement or dismissal of a class action requires court approval." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1800.) A court "must determine the settlement is fair, adequate, and reasonable." (*Id.* at p. 1801.) A "presumption of fairness exists where: (1) the settlement is reached through arm's-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small.” (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 128 [quoting *Dunk, supra*, at p. 1801].)

Similarly, a “trial court should evaluate a PAGA settlement to determine whether it is fair, reasonable, and adequate in view of PAGA’s purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws.” (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77 [noting overlap of factors in class action analysis, “including the strength of the plaintiff’s case, the risk, the stage of the proceeding, the complexity and likely duration of further litigation, and the settlement amount”].)

DISCUSSION

In this case, the parties mediated and reached settlement after arm’s length negotiations, counsel conducted sufficient investigation and discovery to allow counsel and the court to act intelligently, and counsel has significant experience in litigating class actions. (See Hawkins Decl., ¶¶ 5–24.) The settlement administrator mailed notice to 66 class members, with only one considered undeliverable after skip tracing. (Nava Decl., ¶¶ 7–10.) The administrator received one request for exclusion and no objections. (*Id.*, ¶¶ 11, 12.) The motion for final approval is unopposed.

ORDER

Plaintiff’s motion for final approval is GRANTED, and the court will enter the proposed order. The court further ORDERS that 10% of the attorney’s fee award be held by the settlement administrator until completion of the distribution process and court approval of a final accounting. A final compliance hearing is set for June 26, 2025 at 10:00 am in Department 23. Plaintiff is ordered to file a final report and declaration regarding distribution at least five (5) court days before the compliance hearing. No appearances will be required if the report and declaration establish that the distributions are complete.

The Motion for Final Approval of Settlement filed by NHYELA WASHINGTON, on 08/26/2024 is Granted.

Compliance Hearing re final accounting is scheduled for 06/26/2025 at 10:00 AM in Department 23 at Rene C. Davidson Courthouse.

The Case Management Conference scheduled for 09/19/2024 is continued to 06/26/2025 at 10:00 AM in Department 23 at Rene C. Davidson Courthouse .

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA



By:

A. Tumonong, Deputy Clerk

Minutes of: 09/19/2024

Entered on: 09/19/2024

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

On September 19, 2024, I served on the interested parties in this action the following document(s) entitled:

[XX] BY ELECTRONIC SERVICE: Based on a court Order or an agreement by the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from the email address Eddie@jameshawkinsapl.com to the persons at the e-mail addresses listed in the Service List below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(See attached service list)

Executed on September 19, 2024, at Irvine, California


Eddie Magana

Via LWDA Website Only

Labor and Workforce Development Agency

Attn: PAGA Administrator

1515 Clay Street, Ste 801

Oakland, CA 94612

<http://www.dir.ca.gov/Private-Attorneys-General-Act>

Brian D. Berry, Esq.

Sarah Zenewicz, Esq.

Camille A. Watson, Esq.

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower, 28th Floor

San Francisco, CA 94105-1596

Tel: (415)442-1000

Fax: (415)442-1001

Brian.berry@morganlewis.com

Sarah.zenewicz@morganlewis.com

Camille.watson@morganlewis.com

Attorneys for Defendant

PREDICINE INC.