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Clerk of the Superior Court
By T. Cutts ,Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

EDUARDO PENA, individually, and on behalf
of all others similarly situated,

Plaintiffs,

vs.

STRATEGIC OPERATIONS, INC., a California
corporation, and DOES 1 through 10, inclusive,

Defendants.

Case No.: 37-2022-00014701

*[Assigned for all purposes to the Hon.
Carolyn M. Caietti, Dept. C-70]*

**JOINT STIPULATION AND ORDER RE:
AMENDED FINAL APPROVAL ORDER**

Complaint filed: April 20, 2022
Preliminary Approval: Not set

1 Plaintiff EDUARDO PENA (“Plaintiff”) and Defendant STRATEGIC OPERATIONS, INC.
2 (“Defendant,” and together with Plaintiff, the “Parties”), by and through their respective counsel of
3 record, enter into the stipulation below with reference to the following facts:

4 **WHEREAS**, on March 22, 2024, the Court entered the Order Granting Plaintiff’s Motion for
5 Final Approval of Class Action Settlement (“Amended Order”), which states that Plaintiff and all
6 Settlement Class Members are seeking an Order “granting final approval of the Stipulation of
7 Settlement.” (Amended Order, 1:2-3.);

8 **WHEREAS**, on July 31, 2024, the Parties never having received notice of the signed order
9 inadvertently discovered the Order had been entered on March 22, 2024;

10 **WHEREAS**, the Order states that within 14 days (not 30 days from the date of the Order),
11 Defendant will deposit the full amount of the settlement into an interest-bearing trust account
12 established by the Settlement Administrator. (Amended Order, ¶ 12.) The Order is not consistent with
13 the Stipulation of Settlement, which provides the payment be made in two (2) separate equal
14 payments, six (6) months apart, with the first payment due thirty (30) days after entry of Judgment.

15 **WHEREAS**, the Order states that, “compensation to the Participating Class Members shall
16 be disbursed pursuant to the terms of the Settlement (i.e., within ten calendar days following receipt
17 of funds).” (Amended Order, ¶ 12.) The Order is not consistent with the Stipulation of Settlement,
18 which provides disbursement be made within twenty-one (21) days calendar days following the date
19 of funding the second installment of the Settlement Amount and accompanying employer taxes.

20 **WHEREAS**, the Order requires notice to be given to Class Members by posting a copy of
21 the Order on Phoenix Settlement Administrators’ website for a period of at least sixty (60) calendar
22 days after the date of entry of the Order. (Amended Order, ¶ 18.)

23 **WHEREAS**, the Parties have met and conferred regarding the deadlines provided in the
24 Order entered on March 22, 2024.

25 **WHEREAS**, the Parties stipulate and agree to correct the terms of the Order at paragraphs
26 12 and 18. Attached as Exhibit A is the Amended Order, which provides:

- 27 1. The Settlement Amount shall be paid in two (2) equal payments, six (6) months apart, with
28 the first payment due thirty (30) days after the date of entry of the Amended Order (Amended

Order, ¶ 12);

2. The compensation to Participating Class Members shall be disbursed within twenty-one (21) calendar days following the date of funding the second installment of the Settlement Amount and accompanying employer taxes (Amended Order, ¶ 12); and
3. Notice shall be given to Class Members by posting a copy of the Amended Order on Phoenix Settlement Administrators' website for a period of at least sixty (60) calendar days after the date of entry of the Amended Order (Amended Order, ¶ 18).

IT IS SO STIPULATED.

Date: September 17, 2024

WILSHIRE LAW FIRM

By: 

Nicol E. Hajjar, Esq.
Tina Petrosian, Esq.
Attorneys for Plaintiff

Date: September 17, 2024

BERGER & WILLIAMS, LLP

By: 

Harvey C. Berger, Esq.
Shelby M. Harris, Esq.
Attorneys for Defendant

[PROPOSED] ORDER

The Court, having considered the Parties' Joint Stipulation Re: Amended Final Approval Order, and good cause appearing, **IT IS ORDERED** that the Amended Judgment and Order Granting Plaintiff's Motion for Final Approval if Class Action Settlement, shall be the Judgment and Final Approval Order in this action.

Date: 09/19/2024



Hon. Carolyn Caietti
Judge of the Superior Court

PROOF OF SERVICE (2015.5 C.C.P.)

STATE OF CALIFORNIA)

) ss.

COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010.

On September 17, 2024, I served on the parties of record in this action the foregoing document described as **JOINT STIPULATION AND ORDER RE: AMENDED FINAL APPROVAL ORDER** addressed to the parties on the attached service list.

☐ **BY MAIL** (C.C.P. '1013(a) - I caused the aforementioned document(s) to be served upon the addressee as indicated on the attached **service list**. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California 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.

☐ **BY FACSIMILE** (C.C.P. '1013(e); C.R.C. 2.306) - I caused the facsimile transmission to the facsimile number(s) indicated on the attached service list. Upon completion of the said facsimile transmission, the facsimile machine issued a report showing the transmission was complete and without error.

☒ **ELECTRONIC SERVICE** - Pursuant to stipulation of the parties, this document is served only by emailing the document(s) to the person(s) at the email address(es) listed which were the last known emails provided. There will be no hard copy sent. This will be the only service copy.

☐ **BY PERSONAL SERVICE** (C.C.P. '1011) - I caused the aforementioned document(s) to be personally served upon the addressee as indicated on the attached service list.

Executed on September 17, 2024, at Los Angeles, California.

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

/s/ Chris Silmon
Chris Silmon

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SERVICE LIST

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