

FILED
ALAMEDA COUNTY

FEB 05 2026

CLERK OF THE SUPERIOR COURT

By *[Signature]* Deputy

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and on behalf of all others similarly situated.

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

VAUGHN HENRY WHITMORE,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

CHEETAH TECHNOLOGIES, INC;
CHEETAH DIRECT, LLC; and DOES 1
through 20, inclusive,

Defendants.

Case No. 22CV010032

Assigned for all purposes to
Hon. Judge Somnath Raj Chatterjee
Dept. 21

**~~[PROPOSED]~~ ORDER AND JUDGMENT
GRANTING FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: January 13, 2026
Time: 2:30 p.m.
Dept: 21
Reservation ID: 237818976724

**~~[PROPOSED]~~ ORDER AND JUDGMENT GRANTING FINAL APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

1 This matter came on for hearing on January 13, 2026, at 2:30 p.m. in Department 21 of
2 the above-captioned Court on the Motion for Final Approval of Class Action Settlement pursuant
3 to California Rule of Court 3.769, this Court's Order Granting Preliminary Approval, and the
4 Class Action and PAGA Settlement Agreement and Class Notice ("Settlement Agreement"), a
5 copy of which was filed in conjunction with the Plaintiff's Motion for Final Approval of Class
6 Action Settlement.

7 Having received and considered the Settlement Agreement, the supporting papers filed by
8 the Parties, and the evidence and argument received by the Court in conjunction with the
9 unopposed Motion for Preliminary Approval of Class Action Settlement and the instant Motion
10 for Final Approval, the Court grants final approval of the Settlement and HEREBY ORDERS
11 AND MAKES THE FOLLOWING DETERMINATIONS:

12 1. Pursuant to the Order Granting Preliminary Approval, a Notice Packet was sent to
13 each Class Member by first-class mail. These papers informed the Class of the terms of the
14 Settlement, their right to receive an Individual Settlement Payment, their right (a) to comment on
15 or object to the Settlement, (b) to request exclusion from the Settlement and pursue their own
16 remedies, and (c) of their right to appear in person or by counsel at the final approval hearing and
17 to be heard regarding approval of the Settlement. Adequate periods of time were provided by
18 each of these procedures.

19 2. No member of the Class filed written objection to the proposed Settlement as part
20 of this notice process or stated an intention to appear at the final approval hearing.

21 3. No Class Member opted out of the Settlement.

22 4. The Court finds and determines that this notice procedure afforded adequate
23 protections to Class Members and provides the basis for the Court to make an informed decision
24 regarding approval of the Settlement based on the responses of the Class. The Court finds and
25 determines that the notice provided in this case was the best notice practicable, which satisfied
26 the requirements of law and due process.

27 5. With respect to the Class and for purposes of approving this Settlement only, this
28 Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous

1 that joinder of all members is impracticable; (b) there are questions of law or fact common to the
2 Class, and there is a well-defined community of interest among members of the Class with respect
3 to the subject matter of the Action; (c) the claims of Class Representative are typical of the claims
4 of the members of the Class; (d) the Class Representative has fairly and adequately protected the
5 interests of the members of the Class; (e) a class action is superior to other available methods for
6 an efficient adjudication of this controversy; and (f) the counsel of record for the Class
7 Representative, i.e., Class Counsel, are qualified to serve as counsel for Plaintiff in their
8 individual and representative capacities for the Class.

9 6. The Court has certified a Class, as that term is defined in and by the terms of the
10 Settlement Agreement as all current and former non-exempt employees employed by Cheetah
11 Technologies, Inc.; Cheetah Direct, LLC in California at any time during the Class Period of
12 October 17, 2017 to August 23, 2024. The Court deems this definition sufficient for purposes of
13 California Rule of Court 3.765(a).

14 7. The Court hereby confirms Aegis Law Firm, PC as Class Counsel.

15 8. The Court hereby confirms Plaintiff Vaughn Henry Whitmore as the Class
16 Representative in this Action.

17 9. The Court finds and determines that the terms set forth in the Settlement
18 Agreement are fair, reasonable, and adequate and directs the Parties to effectuate the Settlement
19 according to its terms, having found that the Settlement was reached as a result of informed and
20 non-collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds
21 that the Parties conducted extensive investigation and that their attorneys were able to reasonably
22 evaluate their respective positions. The Court also finds that the Settlement will enable the Parties
23 to avoid additional and potentially substantial litigation costs, as well as delay and risks if the
24 Parties were to continue to litigate the case. The Court has reviewed the monetary recovery
25 provided as part of the Settlement and recognizes the significant value accorded to the Class.

26 10. The Court further finds and determines that the terms of the Settlement are fair,
27 reasonable and adequate to the Class and to each Participating Class Member and that the
28

1 Settlement is ordered finally approved, and that all terms and provisions of the Settlement should
2 be and hereby are ordered to be consummated.

3 11. The Court hereby approves the Gross Settlement Amount of \$600,000.00.

4 12. The Court finds and determines that the Individual Settlement Payments to be paid
5 to Participating Class Members as provided for by the Settlement are fair and reasonable. The
6 Court hereby gives final approval to and orders the payment of those amounts be made to the
7 Participating Class Members in accordance with the Settlement Agreement.

8 13. The Court finds and determines that payment of \$20,000.00 for PAGA Penalties
9 in this case is fair, reasonable, and appropriate. The Court hereby gives final approval to and
10 orders that the payment of that amount be paid in accordance with the Settlement Agreement.

11 14. The Court finds and determines that the fees and expenses in administrating the
12 Settlement incurred by ILYM Group, Inc. in the amount of \$9,950.00, are fair and reasonable.
13 The Court hereby gives final approval to and orders that the payment of that amount in accordance
14 with the Settlement.

15 15. The Court finds and determines the Class Representative Service Payment of
16 \$7,500.00 for Plaintiff is fair and reasonable. The Court hereby orders the Administrator to make
17 this payment to the Plaintiff/Class Representative in accordance with the terms of the Settlement
18 Agreement.

19 16. Pursuant to the terms of the Settlement, and the authorities, evidence and argument
20 submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees in the sum of
21 \$180,000.00 and litigation costs of \$39,290.43. The Court finds such amounts to be fair and
22 reasonable. The Court hereby orders the Settlement Administrator to make these payments in
23 accordance with the terms of the Settlement Agreement.

24 17. Nothing in this order shall preclude any action to enforce the Parties' obligations
25 under the Settlement or under this order, including the requirement that Defendants make payment
26 to the Participating Class Members in accordance with the Settlement.

27 18. This Judgment is intended to be a final disposition in its entirety of the above
28 captioned action. Without affecting the finality of this judgment in any way, the Court retains

1 jurisdiction of all matters relating to the interpretation, administration, implementation,
2 effectuation, and enforcement of the Settlement pursuant to C.C.P. § 664.6.

3 19. The Parties will bear their own costs and attorneys' fees except as otherwise
4 provided by this Court's Order awarding Class Counsels' Award for attorneys' fees and litigation
5 costs.

6 20. The Court ORDERS that the settlement checks are void 120 days after mailing.

7 21. The Court ORDERS that funds not be distributed to the cy pres beneficiary until
8 after Court approval of a final accounting. If there are significant uncashed checks after the initial
9 distribution, then class counsel may propose a second distribution to the persons who cashed the
10 first checks. Based on information provided by the claims administrator, the court might order a
11 second distribution.

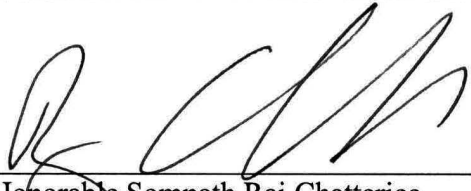
12 22. The Court ORDERS that 10% of any fee award to be kept in the administrator's
13 trust fund until the completion of the distribution process and Court approval of a final accounting.

14 23. The Court will set a compliance hearing after the completion of the distribution
15 process and the expiration of the time to cash checks for counsel for plaintiff and the
16 Administrator to comply with CCP 384(b) and to submit a summary accounting how the funds
17 have been distributed to the class members and the status of any unresolved issues. If the
18 distribution is completed, the Court will at that time release funds to the cy pres beneficiary and
19 any hold-back of attorney fees.

20 24. The Court ORDERS that a compliance hearing on final distribution is set for
21 7/13/256 at 2:30 p.m.

22 25. The court ORDERS that at the time of the final accounting that counsel for plaintiff
23 transmit a copy of this order and the final judgment and the final accounting to the Judicial
24 Council. (CCP 384.5; Govt Code 68520.)

25
26 DATED: 2/5/26

27 
28 Honorable Somnath Raj Chatterjee
JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 02/06/2026
PLAINTIFF/PETITIONER: Vaiughn Henry Whitmore	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: Cheetah Technologies, Inc. et al	B. Mercado
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 22CV010032

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order and Judgment Granting Final Approval of Class Action and PAGA Settlement entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

JESSICA LYNN CAMPBELL
Aegis Law Firm, PC
jcampbell@aegislawfirm.com

Dated: 02/06/2026

Chad Finke, Executive Officer / Clerk of the Court

By:



B. Mercado, Deputy Clerk