

www.courtinfo.ca.gov

1 **LIBERATION LAW GROUP, P.C.**
2 Arlo Garcia Uriarte (Bar No. 231764)
3 E-Mail: arlo@liberationlawgroup.com
4 Un Kei Wu (Bar No. 270058)
5 E-Mail: unkei@liberationlawgroup.com
6 2760 Mission Street
7 San Francisco, CA. 94110
8 Telephone: (415) 695-1000
9 Facsimile: (415) 695-1006

10 Attorneys for Plaintiffs Clara Bailon and
11 Monica Alvarez, and the Proposed Class

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF ALAMEDA**

14 CLARA BAILON and MONICA ALVAREZ,
15 as individuals and on behalf of others similarly
16 situated,

17 Plaintiffs,

18 vs.

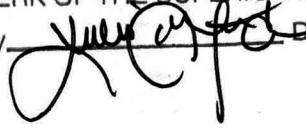
19 FORGE PIZZA, FORGE PIZZA DANVILLE,
20 LLC, LBT JLS LLC, and DOES 1 through 10,

21 Defendants.

FILED
ALAMEDA COUNTY

JAN 13 2023

CLERK OF THE SUPERIOR COURT

By  Deputy

CASE NO. RG16811165

[Assigned for all purposes to Honorable Brad
Seligman, Dept. 23]

**[PROPOSED] AMENDED
JUDGMENT**

Date: January 17, 2023

Time: 3:00 p.m.

Location: Dept. 23

Action Filed: April 11, 2016

Trial Date: None Set

1 On July 28, 2020, the Court entered its Final Approval Order and Judgment. All terms of
2 that Final Approval Order and Judgment, attached hereto as Exhibit A, are incorporated into this
3 Amended Judgment and remain unchanged except as specially modified by this Amended
4 Judgment. The Court, having read and considered the parties' Joint Compliance Hearing
5 Report, including the Declaration of Chris Lawless on behalf of CPT Group, Inc., and with
6 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
7 THAT:

- 8 1. This Court has jurisdiction over the subject matter of this action and all parties to
9 this action, including the Class, as defined in the Final Approval Order and
10 Judgment.
11 2. Pursuant to the terms of the previously approved Joint Stipulation of Settlement and
12 Release ("Settlement Agreement"), the Claims Administrator shall pay the total of
13 \$19,153.06, the sum represented by the 251 uncashed settlement checks, to the *cy*
14 *pres* designee, La Raza Centro Legal.
15 3. Pursuant to the Settlement Agreement, Code of Civil Procedure section 664.6, and
16 California Rules of Court, Rule 3.769(h), the Court retains jurisdiction over the
17 parties to enforce the terms of the Final Approval Order and Judgment and this
18 Amended Judgment.
19

20
21 **IT IS SO ORDERED.**

22 Dated: 1/13/23

23 

24 Hon. Brad Seligman
25
26
27
28

Exhibit A



22779787

Arlo Garcia Uriarte, SBN 231764
arlo@liberationlawgroup.com
Un Kei Wu, SBN 270058
unkeiwu@liberationlawgroup.com
LIBERATION LAW GROUP, P.C.
2760 Mission Street
San Francisco, CA 94110
Telephone: (415) 695-1000
Facsimile: (415) 695-1006

Attorneys for PLAINTIFFS
Clara Bailon and Monica Alvarez

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

CLARA BAILON and MONICA ALVAREZ,
as individuals and on behalf of others similarly
situated,

Plaintiffs,

v.

FORGE PIZZA, FORGE PIZZA DANVILLE,
LLC, LBT JLS LLC, and DOES 1 through 10

Defendants.

CASE NO. RG16811165

Assigned for All Purposes to
Hon. Brad Seligman

~~PROPOSED~~ FINAL APPROVAL
ORDER AND JUDGMENT:

- (1) GRANTING FINAL APPROVAL
OF SETTLEMENT;
- (2) CERTIFYING SETTLEMENT
CLASS;
- (3) AWARDING ATTORNEY'S FEES
AND COSTS;
- (4) APPROVING PAYMENT OF
ADMINISTRATION FEES; AND
- (5) AWARDING SERVICE AWARDS
TO NAMED PLAINTIFFS

[Reservation ID: R-2188513]

[Reservation ID: R-2136661]

Hearing Date: July 28, 2020

Hearing Time: 3:00 PM

Dept.: 23

1 Plaintiffs Clara Bailon and Monica Alvarez's ("Plaintiffs") Motions for: (1) Final
2 Approval of Class Action Settlement and (2) Award of Fees, Costs, and Plaintiffs' Service
3 Awards ("Motions") were heard by the Court on July 28, 2020, at 3:00 PM. This Court
4 reviewed: (a) the Motions along with their supporting papers including the Class Action
5 Settlement Agreement and Release ("Agreement" or "Settlement"); (b) any objections filed with
6 or presented to the Court; (c) the Parties' responses to any objections; and (d) counsels'
7 arguments presented at hearing. Based on this review and the findings below, the Court finds
8 good cause to GRANT the Motions.

9 **FINDINGS:**

10 1. Unless otherwise specified, defined terms in this Final Order and Judgment shall have
11 the same definition as used in the Agreement.

12 2. The Court finds the Agreement was entered into in good faith, that it is fair,
13 reasonable, and adequate, and that it satisfies the standards and applicable requirements for final
14 approval of class action settlements under California law, including the provisions of California
15 Code of Civil Procedure section 382 and California Rules of Court, Rule 3.769.

16 3. The Parties adequately performed their obligations under the Agreement.

17 4. The Settlement Class Members are defined as: "All individuals who were employed
18 as non-exempt employees at the Oakland, California location of Forge Pizza at any time from
19 April 11, 2012 through the date of preliminary approval ("Class Period")." Excluded from the
20 Settlement Class are Settlement Class Members who submitted a timely and valid Request for
21 Exclusion.
22

23 5. Notice was provided to the Settlement Class Members in compliance with Section III.
24 F.2. of the Agreement, California Code of Civil Procedure section 382, California Rules of
25 Court 3.766 and 3.769, applicable due process standards, and any other applicable law. The
26 notice: (i) fully and accurately informed Settlement Class Members about the lawsuit and
27 Settlement; (ii) provided sufficient information so that Settlement Class Members were able to
28 decide whether to accept the benefits offered, opt out and pursue their own remedies, or object

4850-6366-6370.1

~~PROPOSED~~ ORDER: (1) GRANTING FINAL APPROVAL OF SETTLEMENT; (2) CERTIFYING SETTLEMENT
CLASS; (3) AWARDING ATTORNEY'S FEES AND COSTS; (4) APPROVING PAYMENT OF
ADMINISTRATION FEES; AND (5) AWARDING SERVICE AWARDS TO NAMED PLAINTIFFS

1 to the proposed Settlement; (iii) provided procedures for Settlement Class Members to file
2 written objections to the proposed Settlement, to appear at the hearing, and to state objections to
3 the proposed Settlement; and (iv) provided the time, date and place of the final fairness hearing.

4 6. The Maximum Class Settlement Amount to be paid by Defendants and the means of
5 distributing the Net Settlement Amount to Settlement Class Members is fair and reasonable in
6 light of the nature of this case.

7 7. Certification of the Settlement Class for settlement purposes is confirmed.

8 8. An award of \$59,994.00 in attorneys' fees and \$8,006.59 in costs to Class Counsel is
9 fair and reasonable in light of the nature of this case, Class Counsel's experience and efforts in
10 prosecuting this Action, and the benefits obtained for the Class.

11 9. An incentive award to each of the Plaintiffs in the amount of \$5,000.00 for a total
12 amount of \$10,000.00, is fair and reasonable in light of: (a) Plaintiffs' risks in commencing this
13 action as the class representatives; (b) the time and effort spent by Plaintiffs in litigating this
14 action as the class representatives; and (c) Plaintiffs' public interest service.

15 10. Payment of \$14,500.00 to CPT Group, Inc. for its services as the Class
16 Administrator is fair and reasonable.

17 11. The Court approves the requested \$3,000.00 Private Attorney General Act
18 ("PAGA") allocation. The Court finds that the requested PAGA allocation satisfies the purposes
19 of the PAGA statutory framework and is consistent with previous PAGA allocations in similar
20 cases.
21

22
23 **IT IS ORDERED THAT:**

24 1. **Binding Effect of Order.** This order applies to all claims or causes of action settled
25 under the Agreement and binds all Settlement Class Members. This order does not bind persons
26 who filed timely and valid Requests for Exclusion.

27 2. **Release.** Plaintiffs and all Settlement Class Members who did not properly request
28 exclusion shall release all Released Class Claims that occurred during the Class Period as to the

4850-6366-6370.1

~~PROPOSED~~ ORDER: (1) GRANTING FINAL APPROVAL OF SETTLEMENT; (2) CERTIFYING SETTLEMENT
CLASS; (3) AWARDING ATTORNEY'S FEES AND COSTS; (4) APPROVING PAYMENT OF
ADMINISTRATION FEES; AND (5) AWARDING SERVICE AWARDS TO NAMED PLAINTIFFS

1 Released Parties. Plaintiffs moreover are deemed to have released and discharged all Plaintiffs'
2 Released Claims and are barred and permanently enjoined from asserting, instituting, or
3 prosecuting, either directly or indirectly, these Plaintiffs' Released Claims. The full and
4 complete terms of the releases described in this paragraph are set forth in Section III.G of the
5 Agreement.

6 **3. Class Relief.** The Class Administrator on Defendants' behalf will distribute the Net
7 Settlement Amount to the Settlement Class. The distribution shall be in accordance to the
8 instructions and timeline set forth in Section III.D, F.9 of the Agreement. The total amount that
9 will be payable to all Settlement Class Members, if all Settlement Class Members are paid the
10 amount to which they are entitled pursuant to this Final Approval Order and Judgment is the
11 Net Settlement Amount, which here is \$80,756.00 [\$180,000.00 minus Attorney's Fees and
12 Cost, Incentive Award, LWDA, and Settlement Administration Costs].

13 **4. Attorney's Fees and Costs.** Class Counsel is awarded \$68,000.59 total in fees and
14 costs and expenses. The Class Administrator on Defendants behalf must pay Class Counsel this
15 amount according to the timeline set forth in Section III.C.2 of the Agreement.

16 **5. Incentive Award.** Plaintiffs are each awarded \$5,000.00 for a total of \$10,000.00 as
17 an incentive award. The Class Administrator on Defendants behalf must pay Plaintiffs these
18 amounts according to the timeline set forth in Section III.C.1 of the Agreement.

19 **6. Payment of Class Administration Costs.** Payment of \$14,500.00 shall be made by
20 the Settlement Administrator on behalf of Defendants to CPT Group, Inc. for its services as the
21 Class Administrator according to the timeline set forth in Section III.C.4 of the Agreement.

22 **7. Payment to LWDA.** Payment of \$3,000.00 shall be made to LWDA according to the
23 timeline and instructions set forth in Section III.C.3 of the Agreement.

24 **8. Judgment.** The Court finds that there is no reason for delay and directs the Clerk to
25 enter judgment in accordance with the terms of this Order as of the date of this Order.

26 **9. Court's Jurisdiction.** Pursuant to the Parties' request, California Code of Civil
27 Procedure section 664.6, and California Rule of Court 3.769(h), the Court retains jurisdiction
28

4850-6366-6370.1

~~PROPOSED~~ ORDER: (1) GRANTING FINAL APPROVAL OF SETTLEMENT; (2) CERTIFYING SETTLEMENT
CLASS; (3) AWARDING ATTORNEY'S FEES AND COSTS; (4) APPROVING PAYMENT OF
ADMINISTRATION FEES; AND (5) AWARDING SERVICE AWARDS TO NAMED PLAINTIFFS

1 over this action and the Parties until final performance of the Agreement.

2 10. The Court approves Instituto La Raza Centro Legal as the *cy pres* beneficiary.

3 11. **Compliance Hearing.** On 7/27, 2020, at 3 a.m./p.m. (no earlier
4 than one hundred and sixty (160) days from the entry of this order], the Court will hold a
5 compliance hearing so as to allow this Final Approval Order and Judgement to be amended and
6 provided to the Judicial Council, pursuant to Code of Civil Procedure § 384.5. No later than five
7 (5) court days before the compliance hearing, the Parties shall submit a report to the Court
8 specifying the total amount paid to Settlement Class Members and the amount of uncashed
9 checks that will be paid to the approved *cy pres* beneficiary La Raza Centro Legal [or such other
10 charitable organization as approved by the Court], if any, along with a proposed amended Final
11 Approval Order and Judgement. No later than five (5) court days after receipt of notice of entry
12 of the amended this Final Approval Order and Judgement, the Parties shall submit the amended
13 Final Approval Order and Judgement to the Judicial Council, pursuant to Code of Civil
14 Procedure § 384.5, and shall file a proof of service with this Court to confirming this.

15
16 DATED: 7/28/20

17 
18 Hon. Brad Seligman
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

Case Number: RG16811165

Case Name: Bailon v. Forge Pizza

RE: FINAL APPROVAL ORDER AND JUDGMENT: (1) GRANTING FINAL APPROVAL OF SETTLEMENT; (2) CERTIFYING SETTLEMENT CLASS; (3) AWARDING ATTORNEY'S FEES AND COSTS; (4) APPROVING PAYMENT OF ADMINISTRATION FEES; AND (5) AWARDING SERVICE AWARDS TO NAMED PLAINTIFFS

CLERK'S CERTIFICATE OF SERVICE

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed: 08/04/2020

Ghalisa Castaneda
Courtroom Clerk, Dept. 23

Arlo Garcia Uniarte Un Kei Wu LIBERATION LAW GROUP, P.C. 2760 Mission Street San Francisco, CA 94110 arlo@liberationlawgroup.com unkeiwu@liberationlawgroup.com	<i>Attorneys for Plaintiffs Clara Bailon and Monica Alvarez</i>
Dennis Holohan, Esq. Daniel XuLi, Esq. Marcus J. Lee, Esq. LEWIS BRISBOIS BISGAARD & SMITH LLP 333 Bush Street, Suite 1100 San Francisco, CA 94104 Dennis.holohan@lewisbrisbois.com Daniel.xuli@lewisbrisbois.com Marcus.lee@lewisbrisbois.com	<i>Attorneys for Defendants Forge Pizza, Forge Pizza Danville, LLC, LBT JLS LLC</i>

Joseph R. Lordan
LEWIS BRISBOIS BISGAARD & SMITH LLP
650 Town Center Dr., Suite 1400
Costa Mesa, CA 92626

Attorneys for Defendant Forge Pizza Danville, LLC

PROOF OF SERVICE

I, the undersigned, hereby declare:

I am employed in the City of San Francisco, State of California. I am over the age of 18 years and not a party to the within cause; my business address is 2760 Mission Street, San Francisco, California.

I served the document(s) listed below as follows:

Date Served: January 18, 2023

Documents Served:

NOTICE OF ENTRY OF JUDGMENT OR ORDER

Parties Served:

BY MAIL: I placed a true and correct copy of the document(s) in a sealed envelope with first class postage fully prepaid in the United States Mail at San Francisco, California, addressed to the recipient below:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

BY ELECTRONIC MAIL: I caused true and correct copies of the above document(s) to be sent to the person(s) at the electronic service address(es) listed below. Such documents were transmitted via electronic mail from the electronic address: natalia@liberationlawgroup.com in portable document format ("PDF") Adobe Acrobat:

Joseph R. Lordan
Marcus J. Lee
Tara Mirchandani
LEWIS BRISBOIS BISGAARD & SMITH LLP
333 Bush Street, Suite 1100
San Francisco, CA 94104-2872
Email: joseph.lordan@lewisbrisbois.com
Email: marcus.lee@lewisbrisbois.com
Email: tara.mirchandani@lewisbrisbois.com

BY ONLINE SUBMISSION: I served true and correct copies of the above document(s) on the California Labor and Workforce Development Agency (LWDA), pursuant to LWDA's instructions as listed on its website at <http://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>, by submitting a copy through the LWDA's online submission system accessible through their webpage.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this declaration was executed on January 18, 2023, at San
3 Francisco, California.

4 *Natalia Reyes*
5 _____

6 Natalia Reyes
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28