

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Edwin Aiwazian (SBN 232943) LAWYERS for JUSTICE, PC 410 Arden Avenue, Suite 203 Glendale, California 91203 TELEPHONE NO.: (818) 265-1020 FAX NO. (Optional): (818) 265-1021 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff Seth Swan	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sonoma STREET ADDRESS: 600 Administration Drive MAILING ADDRESS: CITY AND ZIP CODE: Santa Rosa 95403 BRANCH NAME: Hall of Justice	
PLAINTIFF/PETITIONER: Seth Swan DEFENDANT/RESPONDENT: Pace Supply Corp.	
NOTICE OF ENTRY OF JUDGMENT OR ORDER (Check one): ☒ UNLIMITED CASE (Amount demanded exceeded \$25,000) ☐ LIMITED CASE (Amount demanded was \$25,000 or less)	CASE NUMBER: SCV258764 Department 18

TO ALL PARTIES :

1. A judgment, decree, or order was entered in this action on (date): November 2, 2018

2. A copy of the judgment, decree, or order is attached to this notice.

Exhibit A - Order on Joint Stipulation Modifying Settlement Administration Deadline

Date: November 8, 2018

Edwin Aiwazian

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)


(SIGNATURE)

EXHIBIT A

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

NOV 02 2018

BY

Cindy Galalier
Deputy Clerk

1 Edwin Aiwazian (SBN 232943)
2 Arby Aiwazian (SBN 269827)
3 Joanna Ghosh (SBN 272479)
4 Stephanie S. Ponek (SBN 306205)
5 **LAWYERS for JUSTICE, PC**
6 410 West Arden Avenue, Suite 203
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8 Tel: (818) 265-1020 / Fax: (818) 265-1021

9 *Attorneys for Plaintiff*

10 Michael D. Bruno (SBN 166805)
11 Sara Church Reese (SBN 135082)
12 Nicholas A. Deming (SBN 287917)
13 **GORDON & REES SCULLY MANSUKHANI, LLP**
14 275 Battery Street, Suite 2000
15 San Francisco, California 94111
16 Tel: (415) 986-5900 / Fax: (415) 986-8054

17 *Attorneys for Defendant*

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF SONOMA**

20 SETH SWAN; individually, and on behalf of
21 other members of the general public similarly
22 situated, and on behalf of other aggrieved
23 employees pursuant to the California Private
24 Attorneys General Act;

25 Plaintiff,

26 vs.

27 PACE SUPPLY CORP., a California
28 corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: SCV258764

Honorable René Auguste Chouteau
Department 18

CLASS ACTION

**JOINT STIPULATION MODIFYING
SETTLEMENT ADMINISTRATION
DEADLINES; [PROPOSED] ORDER
THEREON**

Complaint Filed: May 6, 2016
Jury Trial: None Set

**JOINT STIPULATION MODIFYING SETTLEMENT ADMINISTRATION DEADLINES;
[PROPOSED] ORDER THEREON**

LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203

File By Fax

1 Plaintiff Seth Swan ("Plaintiff"), individually, and on behalf of others similarly situated
2 and on behalf of other aggrieved employees pursuant to the California Private Attorneys General
3 Act ("PAGA"), and Defendant PACE Supply Corp. ("Defendant") (together, the "Parties"), by
4 and through their respective counsel of record, hereby stipulate as follows:

5 WHEREAS, the Parties reached a class-wide settlement, and on April 11, 2018, the
6 Parties executed the Class Action and PAGA Settlement Agreement ("Settlement" or
7 "Settlement Agreement");

8 WHEREAS, on July 23, 2018, Plaintiff filed a Motion for Approval of PAGA
9 Settlement and Preliminary Approval of Class Settlement ("Motion for Preliminary Approval");

10 WHEREAS, on September 7, 2018, the Court entered an Order Granting Approval of
11 PAGA Settlement and Preliminary Approval of Class Action Settlement ("Preliminary Approval
12 Order"), and thereby approved the PAGA Settlement, preliminarily approved the Class
13 Settlement, preliminarily appointed Plaintiff Seth Swan as Class Representative, Lawyers for
14 Justice, PC as Class Counsel, and Simpluris, Inc. ("Simpluris") as Settlement Administrator,
15 approved the notice and settlement procedures as set forth in the Settlement Agreement, set a Final
16 Approval Hearing for December 5, 2018 at 3:00 p.m., and conditionally certified the following
17 class for settlement purposes only:

18 All current and former hourly-paid or non-exempt employees who directly worked
19 for Defendant within the State of California at any time during the period from May
20 6, 2012 continuing up to and including August 9, 2017 ("Class" or "Class
Members");

21 WHEREAS, the Settlement Agreement and Preliminary Approval Order set forth the
22 following deadlines:

EVENT	DATE
Defendant is to provide the Class Data to the Settlement Administrator within ten (10) calendar days after the date of the Preliminary Approval Order. Settlement Agreement, § 35.	9/17/2018
The Settlement Administrator is to mail the Notice of Class Action Settlement ("Class Notice") to all Class Members within fourteen (14) business days after the date of the Preliminary Approval Order. Settlement Agreement, § 36.	9/27/2018

1 The deadline for Class Members to submit Requests for Exclusion, objections to the Class Settlement, and/or disputes regarding Employment Information ("Response Deadline") is thirty (30) calendar days after the Class Notice is initially mailed. Settlement Agreement, § 11.	10/27/2018 <i>(assumes Class Notice is mailed on 9/27/2018)</i>
4 The deadline for Class Members who are re-mailed a Class Notice to submit Requests for Exclusion, objections to the Class Settlement, and/or disputes regarding Employment Information is ten (10) calendar days after the date the Class Notice is re-mailed ("Extended Response Deadline"). Settlement Agreement, § 11.	11/6/2018 <i>(assumes Class Notice is re-mailed on 10/27/2018)</i>
8 The deadline to file a motion for final approval of Class Settlement and for Attorneys' Fees and Litigation Costs and Expenses, Service Award, and Settlement Administration Expenses ("Motion for Final Approval") is sixteen (16) court days before the Final Approval Hearing.	11/8/2018
11 The deadline for filing the Settlement Administrator's declaration of due diligence and proof of mailing with regards to the Class Notice is seven (7) calendar days before the Final Approval Hearing. Settlement Agreement, § 39.	11/28/2018
14 Final Approval Hearing	12/5/2018

15 WHEREAS, Simpluris received the Class Data from Defendant's Counsel on
16 October 19, 2018 (which is after the deadline provided for in the Settlement Agreement and
17 Preliminary Approval Order), due to the need to spend additional time ensuring the accuracy and
18 completeness of data and due to the difficulty in submitting the data using the Settlement
19 Administrator's system; accordingly, the mailing of the Class Notice to Class Members has been
20 delayed and has not yet occurred, necessitating adjustments to the other settlement administration
21 dates and deadlines, including the Final Approval Hearing and deadline to file the Motion for
22 Final Approval;

23 THEREFORE, SUBJECT TO THIS COURT'S APPROVAL, THE PARTIES,
24 THROUGH THEIR RESPECTIVE COUNSEL, HEREBY STIPULATE AND REQUEST
25 an Order by the Court, as follows:

26 1. The Settlement Administrator will mail the Class Notice to all Class Members
27 within ten (10) calendar days after entry of an order approving this Stipulation.

28 ///

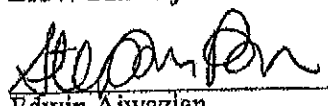
1 2. The Final Approval Hearing that is currently scheduled for December 5, 2018 at
2 3:00 p.m. shall be re-set to a date and time that the Court deems appropriate in mid-February 2019.

3 3. Plaintiff's deadline to file a Motion for Final Approval, with appropriate
4 declarations and supporting evidence, including the Settlement Administrator's due diligence
5 declaration, shall be in accordance with California Code of Civil Procedure section 1005(b) in
6 advance of the new date for the Final Approval Hearing.

7 **IT IS SO STIPULATED.**

8
9 Dated: October 24, 2018

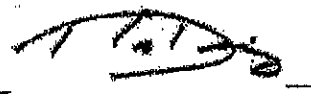
LAWYERS for JUSTICE, PC

10
11 By: 

Edwin Aiwanian
Joanna Ghosh
Stephanie S. Ponck
Attorneys for Plaintiff

12
13
14 Dated: October 29, 2018

GORDON & REES SCULLY
MANSUKHANI, LLP

15
16
17 By: 

Sara Church Reese
Nicholas A. Deming
Attorneys for Defendant

LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 205
Glendale, California 91203

~~PROPOSED~~ ORDER

The Court, having reviewed the Parties' Joint Stipulation Modifying Settlement Administration Deadlines ("Stipulation"), and good cause appearing, orders as follows:

1. The Settlement Administrator will mail the Notice of Class Action Settlement to all Class Members within ten (10) calendar days after entry of an order approving this Stipulation.

2. The Final Approval Hearing that is currently-scheduled for December 5, 2018 at 3:00 p.m. shall be re-set for 2-6-19 at 3:00 pm a.m. / p.m. in Department 18.

3. Plaintiff's deadline to file a motion for final approval of Class Settlement and for Attorneys' Fees and Litigation Costs and Expenses, Service Award, and Settlement Administration Expenses, with appropriate declarations and supporting evidence, including the Settlement Administrator's due diligence declaration, shall be in accordance with California Code of Civil Procedure section 1005(b) in advance of the new date for the Final Approval Hearing.

IT IS SO ORDERED.

Dated: 11-2-18

By: René Auguste Chouteau

Honorable René Auguste Chouteau
Judge of the Sonoma County Superior Court

PROOF OF SERVICE

STATE OF CALIFORNIA, 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 410 West Arden Avenue, Suite 203, Glendale, California 91203.

On October 29, 2018, I served the foregoing document(s) described as: **JOINT STIPULATION MODIFYING SETTLEMENT ADMINISTRATION DEADLINES; [PROPOSED] ORDER THEREON** on interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope addressed as follows:

Michael D. Bruno (*mbruno@grsm.com*)
Sara C. Reese (*sreese@grsm.com*)
Nicholas A. Deming (*ndeming@grsm.com*)
GORDON & REESE SCULLY MANSUKHANI, LLP
275 Battery Street, Suite 2000
San Francisco, California 94111

Attorneys for Defendant Pace Supply Corp.

☒ **BY U.S. MAIL**

As follows: 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 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 an affidavit.

State of California, Labor & Workforce Development Agency

Web URL:

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

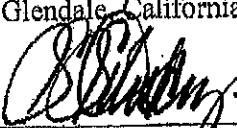
☒ **BY ONLINE SUBMISSION**

The foregoing documents were transmitted to the California Labor and Workforce Development Agency through the online system established for the submission of notices and documents, in conformity with California Labor Code section 2699(l). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ **STATE**

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

Executed on October 29, 2018, at Glendale, California.


Suzana Solis

PROOF OF SERVICE BY MAIL

I certify that I am an employee of the Superior Court of California, County of Sonoma, and that my business address is 600 Administration Drive, Room 107-J, Santa Rosa, California, 95403; that I am not a party to this case; that I am over the age of 18 years; that I am readily familiar with this office's practice for collection and processing of correspondence for mailing with the United States Postal Service; and that on the date shown below I placed a true copy of the attached Joint Stipulation Modifying Settlement Administration Deadlines; Order Thereon in an envelope, sealed and addressed as shown below, for collection and mailing at Santa Rosa, California, first class, postage fully prepaid, following ordinary business practices.

Date: November 05, 2018

Arlene Junior
Court Executive Officer

By: Cynthia Gaddie
Cynthia Gaddie, Deputy Clerk

-ADDRESSEES-

Edwin Aiwazian
Jill J Parker
Lawyers For Justice Pc
410 W Arden Ave Ste 203
Glendale Ca 91203

Michael D Bruno
Sara Church Reese
Gordon & Rees LLP
275 Battery St Ste 2000
San Francisco Ca 94111

PROOF OF SERVICE

STATE OF CALIFORNIA, 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 410 West Arden Avenue, Suite 203, Glendale, California 91203.

On November 8, 2018, I served the foregoing document(s) described as: **NOTICE OF ENTRY OF JUDGMENT OR ORDER** on interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope addressed as follows:

Michael D. Bruno
Sara C. Reese
Nicholas A. Deming
GORDON & REESE SCULLY MANSUKHANI, LLP
275 Battery Street, Suite 2000
San Francisco, California 94111

Attorneys for Defendant Pace Supply Corp.

[X] BY U.S. MAIL

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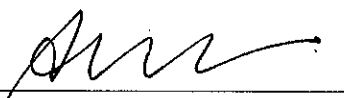
[X] BY ONLINE SUBMISSION

The foregoing documents were transmitted to the California Labor and Workforce Development Agency through the online system established for the submission of notices and documents, in conformity with California Labor Code section 2699(1). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] STATE

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

Executed on November 8, 2018, at Glendale, California.


Ani Haleblian