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9 Attorneys for Plaintiff CARLIN CATO,
10 individually, and on behalf of all other
11 aggrieved employees

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

14 CARLIN CATO, individually, and on behalf of
15 all other aggrieved employees,

16 Plaintiff,

17 vs.

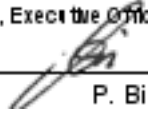
18 UNITY COURIER SERVICE, INC., a
19 California corporation; and DOES 1 through
20 50, inclusive,

21 Defendants.

FILED
Superior Court of California
County of Alameda

01/18/2024

Ciad Fluke, Executive Officer / Clerk of the Court

By:  Deputy
P. Bir

CASE NO.: 22CV020346

[Assigned for all purposes to the Hon. Frank
Roesch, Dept. 17]

**~~AMENDED [PROPOSED]~~ FINAL
ORDER AND JUDGMENT**

Reservation ID No. 716260485234

Complaint Filed: October 24, 2022

[PROPOSED] ORDER

Plaintiff Carlin Cato's ("Plaintiff") Motion for Approval of PAGA Settlement came on regularly for hearing on November 30, 2023, the Honorable Frank Roesch presiding. Having reviewed Plaintiff's motion, the Declarations of Deanna S. Leifer and Carlin Cato, and exhibits thereto, including the Stipulation of Representative Action Settlement ("Stipulation"), and good cause appearing therefore, the Court hereby finds and orders as follows:

1. The Court, for purposes of this Final Order and Judgment, adopts all defined terms as set forth in the Stipulation filed in this Action.

2. The Court has jurisdiction over all claims asserted in the Action, Plaintiff, the Aggrieved Employees, and defendant Unity Courier Service, Inc. ("Defendant"). The Aggrieved Employees consist of Plaintiff and all current and former non-exempt employees of Defendant in California at any time during the time period from August 20, 2021 to July 19, 2023, with respect to which Plaintiff alleges that Defendant violated various sections of the Labor Code.

3. This Final Order and Judgment shall be binding on all Aggrieved Employees and the Labor and Workforce Development Agency ("LWDA"), who are hereby barred by the doctrine of res judicata from re-litigating the Released Claims, as defined below. *See Arias v. Superior Court* (2009) 46 Cal.4th 969, 986 (holding that a judgment in a representative action brought by an aggrieved employee under PAGA is binding not only on the named employee plaintiff but also on state labor law enforcement agencies and any aggrieved employee not a party to the proceeding).

4. Pursuant to the California Private Attorneys General Act of 2004 ("PAGA"), Labor Code section 2699 *et seq.*, the Court approves the Settlement and finds that it is fair and reasonable and furthers PAGA's objectives. The Court finds that notice of the Settlement has been provided to the LWDA, as required by Labor Code § 2699(1)(2).

5. Upon Defendant providing the Settlement Fund to the Settlement Administrator, all Aggrieved Employees shall be deemed to have released the Released Parties of any and all claims and/or causes of action under PAGA which are based upon the factual allegations set forth in the operative complaint and/or Plaintiff's PAGA notice to the LWDA and arising at any time

1 during the PAGA Period. The scope of the Aggrieved Employees' Released Claims is intended
2 to encompass any and all claims for statutory penalties that could have been sought by the Labor
3 Commissioner for the alleged violations identified in Plaintiff's operative complaint and/or pre-
4 filing notice to the LWDA.

5 6. The Court finds the Settlement Fund, the PAGA Fund, and the methodology used
6 to calculate and pay each Aggrieved Employee's Individual Settlement Payment are fair and
7 reasonable and authorizes the Settlement Administrator to pay the Individual Settlement
8 Payments to Aggrieved Employees in accordance with the terms of the Stipulation. The Court
9 also authorizes the Settlement Administrator to make the PAGA payment to the LWDA.

10 7. The Court awards Plaintiff's Counsel \$141,549.00 in attorneys' fees to be paid by
11 the settlement administrator, who shall pay Plaintiff's counsel \$125,000.00 in attorneys' fees
12 when Defendant funds the settlement. The remaining \$16,549.00 in attorney's fees will be
13 withheld until approval of the final report and accounting.

14 8. The Court finds that Plaintiff's Counsel has incurred over \$20,000.00 in costs and
15 expenses. Such costs and expenses were reasonably incurred in prosecuting this Action on behalf
16 of the Aggrieved Employees. The Court awards Plaintiff's Counsel \$20,000.00 in costs and
17 expenses to be paid from the Settlement Fund.

18 9. The Court approves an Incentive Award in the amount of \$7,500.00 to Plaintiff for
19 his service as PAGA representative, to be paid from the Settlement Fund.

20 10. The Court approves Settlement Administration Costs in the amount of \$10,000.00,
21 to be paid from the Settlement Fund.

22 11. This Judgment is intended to be a final disposition of the Action and is intended to
23 be immediately appealable.

24 12. This Court shall retain jurisdiction with respect to all matters related to the
25 administration and consummation of the settlement, and any and all claims, asserted in, arising
26 out of, or related to the subject matter of the lawsuit, including but not limited to all matters
27 related to the settlement and the determination of all controversies relating thereto.
28

1 13. The Parties are to provide a final report and accounting by June 17, 2024. A ~~non-~~
2 ~~appearance case review hearing regarding submission of the final report~~ is set for June 27, 2023 at
3 3:30 p.m..

4 14. The Court directs that a judgment shall be entered in accordance with the terms of
5 this Order.

6 IT IS SO ORDERED.

7
8 DATED: 01/18/2024



HON. FRANK ROESCH
JUDGE OF THE SUPERIOR COURT
Frank Roesch / Judge

PROOF OF SERVICE

Cato v. Unity Courier Service, Inc.
Alameda Superior Court. Case No. 22CV020346

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years, and not a party to this action. My business address is 1230 Rosecrans Avenue, Suite 200, Manhattan Beach, California 90266.

On December 4, 2023, I served the following document or documents:

AMENDED [PROPOSED] FINAL ORDER AND JUDGEMENT

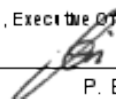
☒ **By e-mail or electronic transmission.** I caused the documents to be sent to the person at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Shaun J. Voigt, Esq.
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Natalie Larios
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Attorneys for Defendant
UNITY COURIER SERVICE, INC.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 4, 2023 at Manhattan Beach, California.


Christian Lopez

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 01/18/2024
PLAINTIFF/PETITIONER: CARLIN CATO	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: UNITY COURIER SERVICE, INC., a California corporation	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 22CV020346

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 Final Order and Judgment 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.

Dalia Khalili
Matern Law Group PC
dkhalili@maternlawgroup.com

Shaun Jordan Voigt
Fisher & Phillips LLP
svoigt@fisherphillips.com

Dated: 01/18/2024

Chad Finke, Executive Officer / Clerk of the Court

By:


P. Bir, Deputy Clerk