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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB 28 2024

E. Escobedo

NKR

FEB 29 2024

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

ANDREW YUSUF THORNBURG,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

PJ CLEVELAND LLC; and DOES 1-20,
inclusive,

Defendants.

Case No. CVRI2203912

*Assigned for all purposes to
Hon. Harold W. Hopp
Dept. 1*

**REVISED ~~PROPOSED~~ ORDER
GRANTING MOTION FOR APPROVAL
OF PRIVATE ATTORNEYS GENERAL
ACT REPRESENTATIVE ACTION
SETTLEMENT**

Date: February 28, 2024
Time: 8:30 a.m.
Dept.: 1

1 The Court has received and considered the joint stipulation of Plaintiff Andrew Yusuf
2 Thornburg, as an individual, and on behalf of the people of the State of California and as an
3 “aggrieved employee” acting as a private attorney general under the Labor Code Private
4 Attorneys General Act of 2004, § 2699, *et seq.* (“PAGA”) and Defendant PJ Cleveland LLC in
5 the above-captioned action filed on September 13, 2022.

6 **NOW THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:**

7 This Judgment incorporates by reference the definitions in the PRIVATE ATTORNEYS
8 GENERAL ACT SETTLEMENT AGREEMENT AND LIMITED RELEASE (the
9 “Settlement”), copies of which are attached as Exhibits 1 and 2 to the Supplemental Declaration
10 of Kristy R. Connolly In Support of Motion for Approval of Private Attorneys General Act
11 Representative Action Settlement, and all terms defined therein shall have the same meaning as
12 set forth in the Settlement.

13 The Court hereby approves the Parties’ proposed Settlement and hereby enters FINAL
14 JUDGMENT based on the terms set forth in the Parties’ Settlement in favor of Plaintiff and the
15 PAGA Employees in the amount of \$220,000.00. Of this, \$73,333.33 is awarded as attorney fees
16 paid to Plaintiff’s Counsel, \$15,027.35 is awarded as costs paid to Plaintiff’s Counsel, \$7,500.00
17 is awarded to Plaintiff in exchange for a General Release, and \$6,750.00 is awarded as
18 administrative costs paid to the Settlement Administrator. Of the remaining Net Settlement
19 Amount, 75% shall be paid to the Labor and Workforce Development Agency and 25% shall be
20 paid to the PAGA Employees as set forth in the Settlement Agreement.

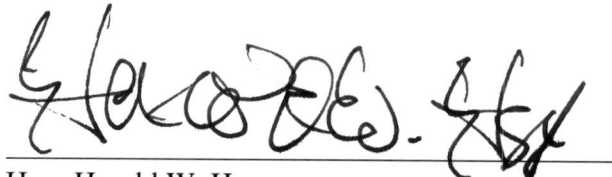
21 The Court hereby approves, as to form and content, the notice to be distributed to the
22 PAAGA Employees, attached to this Order as Exhibit A. In addition, the Settlement
23 Administrator shall send a reminder postcard to PAGA Employees who have not cashed their
24 settlement checks within 60 calendar days after the mailing thereof. All Individual Settlement
25 Checks will expire 180 days after the initial mailing. Any uncashed funds shall be transmitted to
26 the State Controller’s Office Unclaimed Property Fund in the name of each PAGA Employee
27 whose check is voided.

1 A Final Non-Appearence Hearing is set for February 3, 2025 at 8:30 a.m. before this
2 Court. The administrator is to file a declaration no later than 5 court days in advance to confirm
3 that the distribution of funds is complete, including any distribution to the State Controller per
4 the settlement agreement. If distribution efforts are not complete, counsel shall call the clerk and
5 reschedule.

6 This Judgment is intended to be a final disposition in its entirety of the above captioned
7 action. Without affecting the finality of this judgment in any way, the Court retains jurisdiction
8 of all matters relating to the interpretation, administration, implementation, effectuation, and
9 enforcement of the Settlement pursuant to C.C.P. § 664.6.

10 IT IS SO ORDERED.

11
12 Dated: 2/28/24



Hon. Harold W. Hopp
Judge of the Superior Court, County of Riverside

EXHIBIT A

Exhibit A
Employee Notice

<<Mailing Date>>

To: <<First Name>><<Last Name>>
<<Address>>
<<City>> <<State>> <<Zip>>

Re: Individual Settlement Payment from *Thornburg v. PJ Cleveland LLC dba Papa Johns*
Riverside County Superior Court, Case No. CVRI2203912

Dear <<First Name>><<Last Name>>:

Please find enclosed a check in the amount of <<amount of payment>> ("Individual Settlement Check"). This check is your payment from the settlement of a lawsuit entitled *Thornburg v. PJ Cleveland LLC dba Papa Johns*, Case No. CVRI2203912 ("Action"), filed in the Superior Court of California for the County of Riverside ("Court").

The lawsuit was filed by Andrew Thornburg ("Plaintiff"), a former employee of PJ Cleveland LLC dba Papa Johns ("Defendant"), on behalf of the State of California with respect to himself and other alleged aggrieved employees, to seek recovery of civil penalties pursuant to the California Private Attorneys General Act of 2004, California Labor Code § 2698, *et seq.* ("PAGA"). Plaintiff alleged that Defendant violated the California Labor Code by failing to properly pay all wages, provide lawful meal periods or compensation in lieu thereof, authorize or permit lawful rest breaks or provide compensation in lieu thereof, reimburse business expenses, provide accurate itemized wage statements, and timely pay all wages during employment and upon separation of employment.

Defendant denies these allegations and denies any wrongdoing of any kind associated with these allegations.

A settlement was reached between Plaintiff and Defendant, on behalf of Plaintiff, the State of California, and the following aggrieved employees: all current and former non-exempt employees who worked for Defendant within the State of California between September 13, 2021 through August 11, 2023 ("PAGA Employees").

On <<Approval Date>>, the settlement was approved by the Court, with a portion to be paid to the State of California and a portion to be paid to the PAGA Employees. You are receiving a portion of the settlement (the enclosed Individual Settlement Check) because you have been identified as a PAGA Employee. Your Individual Settlement Check is based on the total number of pay periods that you worked as a PAGA Employee during the period between September 13, 2021 through August 11, 2023 ("PAGA Period"). The Individual Settlement Check is considered to be 100% penalties, which will be reported on an IRS Form 1099. You are responsible for paying any and all taxes that may be due as a result of any payment issued to you under the settlement and should consult a tax advisor regarding the tax consequences of such payment.

By way of the settlement, the Released Parties are released from the Released claims. The "Released Parties" means Defendant and its officers, directors, employees, and agents. The "Released Claims" means and refers to any and all claims that were alleged or that could have been alleged based on the facts asserted in the operative Complaint and/or any letter provided by the Plaintiff to the LWDA, which arose during the PAGA Period, including but not limited to penalties for alleged violations of California Labor Code sections §§ 201, 202, 203, 204, 210, 226, 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1182.12, 1194, 1194.2, 1197, 1197.1, 1198, 2800, and 2802.

Your Individual Settlement Check is valid for 180 calendar days from the date of issuance, and if you do not cash, deposit, or otherwise negotiate the check within the 180-day timeframe, your Individual Settlement Check will be cancelled and the funds will be transmitted to the State Controller's Office Unclaimed Property Fund in your name.

Do not call or write the Court or Office of the Clerk of the Court to ask questions about the settlement. If you have any questions concerning the settlement, you may contact the Settlement Administrator at <<INSERT CONTACT INFORMATION>>.