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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF SAN DIEGO - CENTRAL DIVISION**

18 COLLEEN SHARP, and BARBARA M MIZE,
19 individuals and as the state of California's
20 designated proxies under the Private Attorneys
General Act and on behalf of Others,

21 Plaintiffs,

22 vs.

23 SHIFTSMART INC., a Delaware corporation;
24 AAKASHDEEP KUMAR, an individual; and
25 DOES 1 through 10 inclusive

26 Defendants.
27
28

Case No.: 37-2023-00021163-CU-OE-CTL

Judge: Hon. Wendy Behan
Dept.: C-66

**JOINT STIPULATION TO MODIFY
CLASS ACTION SETTLEMENT
AGREEMENT**

Complaint Filed: May 15, 2023
Trial Date: N/A

1 **JOINT STIPULATION**

2 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

3 Plaintiffs Colleen Sharp, Barbara Mize, Tracy Lynn Crenshaw, Shontelle Moore, and
4 Angela Podnizhnyy (collectively, the “***Plaintiffs***”), on the one hand, and Defendant Shiftsmart, Inc.
5 (“***Defendant***” and, together with Plaintiffs, the “***Parties***”), on the other hand, hereby do jointly
6 stipulate and agree, by and through their respective undersigned counsel, as follows:

7 **RECITALS**

- 8 1. **WHEREAS**, on July 31, 2025, the Parties executed the Class Action Settlement
9 Agreement, a true and correct copy of which is attached as Exhibit 1 to the
10 Declaration of Thomas D. Rutledge on file with the Court (ROA #108);
- 11 2. **WHEREAS**, on August 22, 2025, the Parties appeared in Department C-66 of the
12 above-entitled Court for the hearing on Plaintiffs’ unopposed Motion for Preliminary
13 Approval of Class Action Settlement (the “***Motion***”);
- 14 3. **WHEREAS**, at the August 22, 2025 hearing, the Court continued the hearing on
15 Plaintiffs’ Motion to October 17, 2025, subject to the Parties’ agreement to allocate
16 seventy-five percent (75%) of the civil penalties recoverable under the California
17 Private Attorneys General Act of 2004 (“***PAGA***”) to the State of California and
18 twenty-five percent (25%) to the PAGA Members, as defined in Paragraph II.16 of
19 the Class Action Settlement Agreement.

20 **NOW, THEREFORE, IT IS HEREBY STIPULATED:**

- 21 1. Pursuant to Paragraph IX.4 of the Class Action Settlement Agreement, the Parties
22 agree to modify the allocation of PAGA penalties consistent with the Court’s
23 directive, such that seventy-five percent (75%) of the PAGA penalties shall be
24 distributed to the State of California and twenty-five percent (25%) to PAGA
25 Members, as defined by Paragraph II.16 of the Settlement Agreement; and
26
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1 2. The Parties agree to submit for the Court's approval the proposed Class Notice
2 attached hereto as **Exhibit 1** in connection with the hearing on Plaintiffs' Motion for
3 Preliminary Approval scheduled for October 17, 2025.
4

5 Dated: September 10, 2025

MICHELMAN & ROBINSON, LLP

6
7 By: /s/ Melinda Lewis

8 Mona Z. Hanna

9 Marc R. Jacobs

10 Melinda Lewis

11 Attorneys for Defendants

12
13 Dated: September 10, 2025

Law Office Of Thomas D. Rutledge

14 By: /s/ Thomas D. Rutledge

15 Thomas D. Rutledge

16 Attorneys for the Plaintiffs

17 **CERTIFICATION OF AUTHORIZATION**

18 As god is my witness, I hereby certify that the contents of this document are acceptable to
19 Melinda Lewis, Esq., counsel for Defendants, and that the foregoing counsel has authorized the
20 affixation of electronic signatures to this document.

21 Dated: September 10, 2025

Law Office of

Thomas D. Rutledge

22 By: /s/ Thomas D. Rutledge

23 Thomas D. Rutledge

24 Attorneys for the Plaintiffs
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