

Lilit Tunyan (SBN 329351)
ltunyan@tunyanlaw.com
Artur Tunyan (SBN 349174)
atunyan@tunyanlaw.com
TUNYAN LAW, APC
535 N. Brand Blvd., Suite 285
Glendale, California 91203
Telephone: (323) 410-5050

Attorneys for Plaintiff Efrain Vivieros,
as an individual and on behalf of all
employees similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

EFRAIN VIVEROS, as an individual and on
behalf of all employees similarly situated,

Plaintiff,

v.

D AND T RESTAURANTS, INC., a California
Corporation; MCSURF, INC., a California
Corporation; BLADE ENTERPRISES III, Inc.,
a California Corporation; BLADE
ENTERPRISES IV, Inc., a California
Corporation; BLADE ENTERPRISES V, Inc., a
California Corporation; BLADE
ENTERPRISES VI, Inc., a California
Corporation; BLADE ENTERPRISES VII, Inc.,
a California Corporation; BLADE
ENTERPRISES VIII, Inc., a California
Corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 23STCV10019

[Assigned to Hon. Laura Seigle, Dept.17]

**[PROPOSED] JUDGMENT FOLLOWING
ORDER GRANTING FINAL APPROVAL
OF CLASS AND PAGA REPRESENTATIVE
ACTION SETTLEMENT**

Date: November 8, 2024
Time: 8:30 a.m.
Courtroom: Dept. 17
Judge: Hon. Laura Seigle

Action Filed: May 4, 2023
Trial Date: Not Set

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiff EFRAIN VIVEROS (“Plaintiff”) and Defendants D AND T RESTAURANTS, INC.,
3 MCSURF, Inc., BLADE ENTERPRISES III, Inc., BLADE ENTERPRISES IV, Inc., BLADE
4 ENTERPRISES V, Inc., BLADE ENTERPRISES VI, Inc., BLADE ENTERPRISES VII, Inc., BLADE
5 ENTERPRISES VIII (“Defendants”) reached terms of settlement for a putative class and PAGA
6 representative action. On or about November 8, 2024, the Court issued an Order granting Plaintiff’s
7 motion for final approval of a proposed class and PAGA representative action settlement of the claims
8 asserted against Defendant in this action (“Final Approval Order”). The settlement is memorialized in
9 the CLASS ACTION AND PAGA REPRESENTATIVE ACTION SETTLEMENT AGREEMENT (*see*
10 Declaration of Lilit Tunyan In Support of Plaintiff’s Motion for Final Approval of Class and PAGA
11 Representative Action Settlement [Tunyan Decl.], at Exh. 1). The CLASS ACTION AND PAGA
12 REPRESENTATIVE ACTION SETTLEMENT AGREEMENT is referred to herein as the “Settlement.”

13 The Court’s Final Approval Order is incorporated herein in its entirety. The Court now enters
14 Judgment following the entry of the Final Approval Order. The Judgment set forth herein is intended to
15 be a final disposition of the Action in its entirety and is intended to be immediately appealable.

16 **JUDGMENT**

17 In accordance with and for the reasons stated in the Final Approval Order, Judgment shall be
18 entered whereby the Plaintiff, all Settlement Class Members, and all PAGA Employees shall take
19 nothing from Defendant, except as expressly set forth in the Final Approval Order and the Settlement.

20 The Class Members are:

21 All non-exempt, hourly employees of Defendants who worked for Defendants in
22 California during the Class Period (the “Class Period” is May 4, 2019 through June 13,
23 2024.)

24 There were no objections and requests for exclusion submitted by Class Members.

25 The Court also defines the following “PAGA Employees” impacted by the proposed settlement
26 of PAGA claims:

27 All non-exempt, hourly employees of Defendants who worked for Defendants in
28 California during the PAGA Period (the “PAGA Period” is May 4, 2022 through June
13, 2024.)

Class and PAGA Representative Action claims are released, pursuant to the terms of the Settlement, as follows:

Effective on the date when Defendants fully fund the entire Gross Settlement Amount and fund all employer payroll taxes owed on the Wage Portion of the Individual Class Payments, Plaintiff, Class Members who have not submitted a valid and timely Request for Exclusion as to claims other than the PAGA claim, and Class Counsel will release claims against all Released Parties as follows:

Release by Participating Class Members Who Are Not Aggrieved Employees: All Participating Class Members, on behalf of themselves and their respective former and present representatives, agents, attorneys, heirs, administrators, successors, and assigns, release Released Parties from all claims that were alleged, or reasonably could have been alleged, based on the Class Period facts stated in the Operative Complaint. Except as set forth in Section 5.3 of Agreement, Participating Class Members do not release any other claims, including claims for vested benefits, wrongful termination, violation of the Fair Employment and Housing Act, unemployment insurance, disability, social security, workers' compensation, or claims based on facts occurring outside the Class Period.

Release by Non-Participating Class Members Who Are Aggrieved Employees: All Non-Participating Class Members who are Aggrieved Employees are deemed to release, on behalf of themselves and their respective former and present representatives, agents, attorneys, heirs, administrators, successors, and assigns, the Released Parties from all claims for PAGA penalties that were alleged, or reasonably could have been alleged, based on the PAGA Period facts stated in the Operative Complaint and the PAGA Notice.

"Released Parties" means: Defendants and each of its former and present directors, officers, shareholders, owners, agents, employees, attorneys, insurers, predecessors, successors, assigns.

Distributions pursuant to the Settlement shall issue in the amounts authorized in the Final Approval Order, according to the deadlines specified in the Settlement.

Pursuant to California Code of Civil Procedure Section 664.6 and Rule 3.769(h) of the California Rules of Court, this Court reserves exclusive and continuing jurisdiction over this action, the Plaintiff, Settlement Class Members, and Defendant, for the purposes of:

- (a) supervising the implementation, enforcement, construction, and interpretation of the Settlement, the Preliminary Approval Order, the plan of allocation, the Final Approval Order, and the Judgment; and
- (b) supervising distribution of amounts paid under this Settlement.

IT IS SO ORDERED.

Dated: _____

Hon. Laura Seigle
LOS ANGELES COUNTY SUPERIOR COURT JUDGE

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3) ss
4 COUNTY OF LOS ANGELES)

5 I am employed in the county of Los Angeles, State of California. I am over the age of
6 18 and not a party to the within action; my business address is 535 N Brand Blvd. Suite 285
7 Glendale, CA 91203.

8 On the date indicated below, I served the document described as: **[PROPOSED] JUDGMENT
9 FOLLOWING ORDER GRANTING FINAL APPROVAL OF CLASS AND PAGA
10 REPRESENTATIVE ACTION SETTLEMENT** on the interested parties in this action by sending a
11 true copy thereof to interested parties as follows and as stated on the attached service list:

12 Lisa Reimbold
13 lreimbold@clarkhill.com
14 Saige Shaw
15 sshaw@clarkhill.com
16 Hiba Hammad
17 hhammad@clarkhill.com
18 **CLARK HILL LLP**

19 555 South Flower Street, 24th Floor
20 Los Angeles, CA 90071
21 Phone: 213-891-9100
22 Facsimile: 213-488-1178

23 Attorneys for Defendants D AND T RESTAURANTS, INC., MCSURF, INC., BLADE
24 ENTERPRISES III, Inc., BLADE ENTERPRISES IV, Inc., BLADE ENTERPRISES V, Inc.,
25 BLADE ENTERPRISES VI, Inc., BLADE ENTERPRISES VII, Inc., BLADE ENTERPRISES
26 VIII, Inc.

27 ☒ **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties
28 to accept electronic service, I caused the documents to be sent to the persons at the
electronic service addresses listed above via third-party cloud service
CASEANYWHERE. I did not receive an error message.

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

Executed on October 15, 2024 at Glendale, California.

Lilit Tunyan
Name


Signature