

1 Carolyn Hunt Cottrell (SBN 166977)  
Scott L. Gordon (SBN 319872)  
2 SCHNEIDER WALLACE  
COTTRELL KONECKY LLP  
3 2000 Powell Street, Suite 1400  
Emeryville, California 94608  
4 Tel: (415) 421-7100  
Fax: (415) 421-7105  
5 ccottrell@schneiderwallace.com  
sgordon@schneiderwallace.com

6 Edwin Aiwazian (SBN 232943)  
7 Arby Aiwazian (SBN 269827)  
Joanna Ghosh (SBN 272479)  
8 Selena Matavosian (SBN 348044)  
LAWYERS for JUSTICE, PC  
9 410 West Arden Avenue, Suite 203  
Glendale, California 91203  
10 Tel: (818) 265-1020  
Fax: (818) 265-1021

11 *Attorneys for Plaintiffs and Class Members*

12  
13 **SUPERIOR COURT OF CALIFORNIA**

14 **COUNTY OF TULARE**

15 LUCI GILLESPIE and ILEANA  
16 SUASTEGUI, et al., on behalf of themselves  
and all others similarly situated,

17  
18 Plaintiffs,

19 v.

20 PLUM HEALTHCARE GROUP, LLC, et al.;;  
21 and DOES 1-100, inclusive,

22 Defendants.

Case No. VCU285376

**DECLARATION OF SCOTT L. GORDON  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS AND PAGA ACTION  
SETTLEMENT**

*Supplemental declaration filed pursuant to  
Court's March 12, 2024 Minute Order*

Judge: Hon. Bret Hillman

Dept.: 2

Date: April 23, 2024

Time: 8:30 a.m.

Complaint Filed: December 17, 2020

Trial Date: None Set

1 I, Scott L. Gordon, declare as follows:

2 1. I submit this declaration in support of the Motion for Preliminary Approval of Class  
3 and PAGA Action Settlement (“Motion”) filed by Plaintiffs Luci Gillespie, Ileana Suastegui, Trevor  
4 Harding, Esther Corona, Joselito Guerrero, and Mildred Arriaga (“Plaintiffs”) on February 8, 2024. I  
5 submit this declaration as a supplemental filing in support of the Motion pursuant to the Court’s March  
6 12, 2024 Minute Order (the “Order”).

7 2. I am an attorney duly licensed to practice law in the State of California. I am a member  
8 in good standing of the State Bar of California, I am admitted to the United States District Courts for  
9 the Northern, Eastern, Central, and Southern Districts of California, and the Ninth Circuit Court of  
10 Appeals.

11 3. I am an associate at Schneider Wallace Cottrell Konecky LLP (“SWCK”). SWCK  
12 specializes in class and representative action litigation in state and federal court. SWCK has  
13 prosecuted the Actions together with co-counsel Lawyers for Justice, PC (“LFJPC”). I have served as  
14 the lead attorney for SWCK in this litigation.

15 4. I am familiar with the file, the documents, and the history of the Actions. The following  
16 statements are based on my personal knowledge and review of the files. If called to do so, I could and  
17 would testify competently thereto.

18 **RELEVANT BACKGROUND**

19 5. Plaintiffs filed a true and correct copy of the fully executed Settlement Agreement  
20 (“Settlement”) as Exhibit 1 to the Declaration of Carolyn H. Cottrell in support of the Motion. The  
21 Settlement includes the Notice of Class Action Settlement and Final Approval Hearing (“Class  
22 Notice”) and the Notice of Estimated Settlement Award (jointly, the “Class Notice Packet”), attached  
23 to the Settlement as Exhibits B and C, respectively.

24 6. The Settlement fully resolves eight class and California Labor Code Private Attorneys  
25 General Act (“PAGA”) actions (together, the “Actions”):

- 26 • The instant, above-captioned case
- 27 • *Luci Gillespie v. Flax Holdings, LLC d/b/a River Valley Care Center* (Sutter County  
28 Superior Court, Case No. CVCS22-0001058)

- 1 • *Ileana Susategui v. Plum Healthcare Group, LLC* (Alameda County Superior Court,  
2 Case No. RG21092158)
- 3 • *Luci Gillespie v. Flax Holdings, LLC d/b/a River Valley Care Center* (Alameda County  
4 Superior Court, Case No. RG21093104)
- 5 • *Trevor Harding v. Plum Healthcare Group, LLC; Gladiolus Holdings, LLC d/b/a The*  
6 *Pines at Placerville Healthcare Center* (Alameda County Superior Court, Case No.  
7 RG21097877)
- 8 • *Esther Corona v. Jujube Holdings, LLC d/b/a Sunnyvale Post-Acute Center; Plum*  
9 *Healthcare Group, LLC* (Alameda County Superior Court, Case No. RG21111905)
- 10 • *Joselito Guerrero v. Douglas Fir Holdings, LLC d/b/a Huntington Valley Healthcare*  
11 *Center; Plum Healthcare Group, LLC* (Alameda County Superior Court, Case No.  
12 RG21111952)
- 13 • *Mildred Arriaga v. Olive Holdings, LLC d/b/a Aviara Healthcare Center; Plum*  
14 *Healthcare Group, LLC* (Alameda County Superior Court, Case No. 22CV006835)

15 7. With the Motion, Plaintiffs filed a Stipulation to File Consolidated Complaint for  
16 Settlement Purposes, in which the Parties agreed to consolidate the eight Actions for purposes of  
17 settlement and seeking court approval. The Court granted the stipulation on February 16, 2024.

18 8. The Order requires Plaintiffs to complete the following for the Court to grant  
19 preliminary approval: (1) increase the notice period for opt-outs and objections from 45 days to 60  
20 days; (2) provide proof of submission of the Settlement to the Labor and Workforce Development  
21 Agency (“LWDA”); and (3) provide the Court with an estimate of the approximate lodestar for  
22 Plaintiffs’ counsel, including information as to the time spent on the Actions and the hourly rates for  
23 all attorneys, and a breakdown of out-of-pockets costs. Plaintiffs provide this information, in this  
24 sequence, with this declaration.

25 **CLASS NOTICE PERIOD AND ACCOMPANYING AMENDMENT TO THE**  
26 **SETTLEMENT**

27 9. The Settlement, as submitted to the Court on February 8, 2024, incorporated a 45-day  
28 notice period for Class Members to submit objections, opt-outs, and disputes regarding workweeks.

1 See Settlement Agreement, ¶¶ III.E.3.a-b, III.E.4.

2 10. Pursuant to the Order, the Parties executed an Amendment to Settlement Agreement  
3 to increase the notice period for Class Members to submit objections, opt-outs, and disputes from 45  
4 to 60 days. A true and correct copy of the fully executed Amendment to Settlement Agreement is  
5 attached hereto as **Exhibit 1**.

6 11. The Amendment to Settlement Agreement includes a revised Class Notice that is  
7 updated in Sections 4 and 6 to indicate that the notice period for Class Members to submit objections,  
8 opt-outs, and disputes is 60 days. The Class Notice attached to the Amendment to Settlement  
9 Agreement as Exhibit B replaces the original Exhibit B attached to the Settlement.

10 12. The Parties executed the Amendment to Settlement Agreement through their  
11 respective counsel pursuant to the terms of the Settlement. See Settlement Agreement, ¶ III.K.3.

12 **PROOF OF SUBMISSION OF THE SETTLEMENT TO THE LWDA**

13 13. Plaintiffs submitted the proposed Settlement to the LWDA on February 8, 2024, just  
14 before filing the Motion with the Court. With the LWDA submission, Plaintiffs included their  
15 Memorandum of Points and Authorities in support of the Motion (“preliminary approval brief”) as  
16 specified by the LWDA’s document submission instructions.

17 14. On behalf of Plaintiffs, I submitted the Settlement and preliminary approval brief in  
18 each of the PAGA case files for the six Plaintiffs named in Plaintiffs’ Consolidated Class and PAGA  
19 Complaint:

- 20 • Luci Gillespie - LWDA-CM-815343-20
- 21 • Ileana Suastegui - LWDA-CM-815342-20
- 22 • Trevor Harding - LWDA-CM-822863-21
- 23 • Joselito Guerrero - LWDA-CM-829958-21
- 24 • Esther Corona - LWDA-CM-829956-21
- 25 • Mildred Arriaga - LWDA-CM-850649-21

26 15. Plaintiffs did *not* attach proof of the LWDA submission to the Declaration of Carolyn  
27 H. Cottrell in support of the Motion. Rather, Plaintiffs filed a separate Proof of Service of Proposed  
28 Settlement Agreement on California Labor and Workforce Development Agency, in which I attested

1 to the LWDA submission and attached the submission confirmations. This Proof of Service was an  
2 unremarkable document included among the numerous other filings in support of the Motion, making  
3 it difficult for the Court to discern that Plaintiffs had completed the LWDA submission; I apologize  
4 to the Court for the inconvenience.

5 16. I submitted the Amendment to Settlement Agreement and this declaration in each of  
6 the PAGA case files (identified above) for each of the six Plaintiffs on March 29, 2023.

7 17. True and correct copies of the respective submission confirmations from the LWDA  
8 are attached hereto as **Exhibit 4** (Luci Gillespie), **Exhibit 5** (Ileana Suastegui), **Exhibit 6** (Trevor  
9 Harding), **Exhibit 7** (Esther Corona), **Exhibit 8** (Joselito Guerrero), and **Exhibit 9** (Mildred Arriaga).

10 18. Exhibits 4-9 each include (1) the confirmation email from the LWDA for the original  
11 Settlement, (2) the submission details from the PAGA electronic filing system for the original  
12 Settlement, (3) the confirmation email from the LWDA for the Amendment to Settlement Agreement,  
13 and (4) the submission details from the PAGA electronic filing system for the Amendment to  
14 Settlement Agreement.

15 **ESTIMATED LODESTAR FOR PLAINTIFFS' COUNSEL**

16 19. The total lodestar for Plaintiffs' counsel, for both SWCK and LFJPC, is approximately  
17 \$2,169,833, based on 2,426.9 total hours. The total lodestar for Plaintiffs' counsel compares favorably  
18 to the requested \$3,500,000 fee award.

19 20. SWCK's lodestar is approximately \$1,704,930, based on 2,040.3 hours, as described  
20 *infra* and summarized in **Exhibit 2**.

21 21. I am informed that LFJPC's lodestar is approximately \$464,903, based on 386.6 hours,  
22 as set forth in the Declaration of Joanna Ghosh filed herewith.

23 22. In this section, I provide a summary of the work performed on the Actions; a summary  
24 of the time spent by SWCK on the Actions and the hourly rates for all timekeepers; information  
25 regarding recent court approvals of SWCK's hourly rates; and a summary of the out-of-pocket costs  
26 incurred by SWCK in litigating the Actions.

27  
28

1 **Summary of Work Performed**

2 *The Instant Action*

3 23. Plaintiffs Luci Gillespie and Ileana Suastegui filed a broad putative class action  
4 complaint in this Court on December 17, 2020, to challenge Plum’s alleged non-compliant  
5 employment practices and attendant violations of California law on a statewide basis. Plaintiffs’  
6 counsel worked with Plaintiffs Gillespie and Suastegui to draft the class complaint.

7 24. Plum filed a Motion to Compel Arbitration and Stay Court Action, with respect to both  
8 Plaintiffs, on March 26, 2021. Plaintiffs’ counsel opposed the motion, but the Court granted Plum’s  
9 motion on May 11, 2021 and ordered this case stayed pending resolution of the arbitration  
10 proceedings.

11 25. Plaintiffs’ counsel then worked with Plaintiffs Gillespie and Suastegui to prepare their  
12 arbitration demands and initiated the arbitration actions on July 19, 2021. As each arbitration  
13 agreement required a different arbitral forum, Plaintiffs’ counsel was required to litigate Plaintiff  
14 Suastegui’s arbitration in AAA and Plaintiff Gillespie’s arbitration in JAMS.

15 26. Plaintiffs Gillespie and Suastegui filed a Motion to Vacate Order Compelling  
16 Arbitration, pursuant to Code of Civil Procedure (“CCP”) sections 1281.97, *et seq.*, in this Court on  
17 April 27, 2022, premised on Plum’s alleged failure to timely pay required arbitration fees that AAA  
18 and JAMS billed in each arbitration proceeding. Plaintiffs’ counsel prepared comprehensive briefing  
19 and a detailed evidentiary showing that established the procedural history of the arbitration  
20 proceedings, the billing, and Plum’s failure to pay required arbitration fees, across the two different  
21 arbitration bodies.

22 27. After Plum’s opposition, Plaintiffs filed their reply on May 17, 2022. In the reply brief,  
23 Plaintiffs’ counsel took on the considerable evidence and legal arguments set forth by Defendants  
24 with their opposition papers.

25 28. After full briefing and argument, the Court granted Plaintiffs’ Motion to Vacate Order  
26 Compelling Arbitration, as set forth in its Ruling on Motion to Set Aside Arbitration Order, dated  
27 May 25, 2022.

28 29. Thereafter, litigation resumed in this Court on a putative class basis, with Defendants

1 represented by new counsel from Fisher & Phillips, LLP. Plaintiffs’ counsel commenced litigation of  
2 class-wide discovery.

3 30. Plaintiffs Gillespie and Suastegui served formal requests for production of documents  
4 and special interrogatories on August 26, 2022. Plaintiffs’ counsel crafted extensive, detailed  
5 discovery requests for this case, which sought, *inter alia*, a variety of timekeeping, payroll, and  
6 scheduling records for the putative class members; policy documents; documents relating to Plum’s  
7 involvement in complaints, investigations, reviews, and audits of wage and hour issues for putative  
8 class members; contracts and agreements between Plum and the facility LLCs; and entity formation  
9 documents. Plaintiffs’ requests were crafted to seek general information regarding the putative class  
10 members as well as documents and information that are probative of the joint employer claims of  
11 liability.

12 31. Plum’s initial responses consisted only of objections, without supplemental responses,  
13 and counsel for the Parties embarked on voluminous meet and confer. After the persistent efforts of  
14 Plaintiffs’ counsel, Plum began to substantively respond to Plaintiffs’ discovery, including serving  
15 supplemental responses on February 13, 2023. At the time of mediation, Plaintiffs were preparing a  
16 motion to compel further RFP and interrogatory responses.

17 *The Additional Actions*

18 32. Plaintiffs’ counsel also worked with all six Plaintiffs to file PAGA actions in Alameda  
19 County Superior Court.

20 33. Plaintiff Suastegui filed the first of the PAGA actions on March 18, 2021, alleging  
21 PAGA claims against Plum with respect to all of Plum’s current and former non-exempt employees  
22 in California. Plaintiff Gillespie filed the second PAGA action on March 25, 2021, alleging PAGA  
23 claims against Flax Holdings, LLC d/b/a River Valley Care Center (“Flax”) with respect to all of  
24 Flax’s current and former non-exempt employees. Plaintiff Harding filed the third PAGA action on  
25 May 5, 2021, alleging PAGA claims against Plum, Gladiolus Holdings, LLC d/b/a The Pines at  
26 Placerville Healthcare Center (“Gladiolus”) and Rosebud Holdings, LLC d/b/a Western Slope Health  
27 Center (“Rosebud”). Plaintiff Corona and Plaintiff Guerrero filed their PAGA actions on September  
28 1, 2021. Plaintiff Arriaga filed the sixth and final PAGA action on February 10, 2022, alleging PAGA

1 claims against Plum and Olive Holdings, LLC d/b/a Aviara Healthcare Center (“Olive”).

2 34. The Parties also litigated extensive motion and discovery practice in the PAGA cases.

3 35. After initial discovery, Defendants filed motions to strike in each of the actions that  
4 sought to challenge the PAGA claims on manageability and other grounds on November 8, 2021.  
5 Defendants argued that the PAGA claims could not be manageably tried under *Wesson v. Staples the*  
6 *Office Superstore, LLC* (2021) 68 Cal.App.5th 746—and that the alleged violations could not be tried  
7 manageably across the Plum network and even as to single facilities.<sup>1</sup>

8 36. Plaintiffs filed a motion to consolidate the PAGA cases on November 10, 2021. The  
9 motion was supported by documentary evidence and a request for judicial notice.

10 37. At the urging of Judge Brad Seligman, the Parties stipulated to omnibus briefing for  
11 the oppositions and replies to Defendants’ motions to strike and Plaintiffs’ motion to consolidate.

12 38. Plaintiffs filed their omnibus opposition to Defendants’ motions to strike on January  
13 11, 2022. Plaintiffs’ opposition had a two-pronged overall theme. First, Plaintiffs argued that  
14 Defendants’ motions were premature because Plaintiffs were entitled to discovery to develop  
15 manageable theories of the litigation and an informed assessment of manageability. Second, Plaintiffs  
16 articulated that their PAGA claims are amenable to common proof and efficient resolution by virtue  
17 of Plum’s overarching, common control across its California facilities.

18 39. Plaintiffs’ counsel engaged in extensive research and analysis of the legal and factual  
19 issues to defeat these crucial motions to strike, set forth in Plaintiffs’ 23-page opposition brief.

20 40. To substantiate their showing, Plaintiffs pointed to Plum’s own written policies, which  
21 were implemented universally and created common employments conditions across the Facilities.  
22 Plaintiffs also adduced statements of Plum’s former CEO, Cory Christensen, showing that Plum  
23 operates a cohesive system with extensive involvement in the wages, hours, and working conditions  
24 for facility employees. Plaintiffs argued that the PAGA claims are grounded in Plum’s central control  
25 over staffing allocations, availability of relief workers, other operational policies, practices, and  
26 procedures, and the overall work environment and facility operations. Plaintiffs maintained that,

27 \_\_\_\_\_  
28 <sup>1</sup> On January 18, 2024, the Supreme Court of California barred striking PAGA claims on trial  
manageability grounds alone, overturning *Wesson*, in *Estrada v. Royalty Carpet Mills, Inc.*, S274340.



1 together with the universal requirements of patient care and other operational realities that are ever  
2 present in the skilled nursing setting, Plum sets in motion a series of Labor Code violations that may  
3 be efficiently prosecuted and adjudicated on a representative basis.

4 41. After extensive briefing, the motions to strike and motion to consolidate were heard  
5 by Judge Brad Seligman of the Alameda County Superior Court on February 4, 2022. Judge Seligman  
6 denied Defendants' motions to strike, crediting Plaintiffs' arguments that they were entitled to develop  
7 manageable theories of the litigation and an informed assessment of manageability following  
8 discovery. Judge Seligman denied Plaintiffs' motion to consolidate without prejudice, ruling that the  
9 motion should be reheard after the Parties build their cases through discovery.

10 42. At the February 4, 2022 hearing, Judge Seligman instructed the Parties to proceed with  
11 discovery with a focus on first developing evidence to support the joint employer claims of liability.  
12 Again, shortly after Defendants' loss on their motions to strike, Defendants replaced their prior  
13 counsel from Procopio with their current counsel from Fisher & Phillips.

14 43. Plaintiffs propounded considerable discovery in the PAGA cases on April 8, 2022.  
15 Plaintiffs' counsel crafted extensive, highly specific discovery requests, consisting of one set of "joint  
16 employer" discovery requests on Plum, which featured 118 requests for production of documents and  
17 52 special interrogatories that were intended to elicit responses that apply to the joint employer claims  
18 across the PAGA actions. Plaintiffs' counsel also prepared further, individualized requests, which  
19 featured approximately 60 RFPs and approximately 19 to 23 SROGs for each of the Plaintiffs that are  
20 specific to their particular actions.

21 44. Defendants served objections (without substantive responses) to these requests in June  
22 2022. The Parties engaged in extensive meet and confer in August and September 2022; Defendants'  
23 counsel ultimately informed Plaintiffs' counsel that they intended to file motions to compel arbitration  
24 on the basis of the United States Supreme Court's then-recent decision in *Viking River Cruises, Inc.*  
25 *v. Moriana* (2022) 142 S.Ct. 1906, and maintained that formal discovery should be stayed across all  
26 the actions.

27 45. Plaintiffs' counsel recognized that the Supreme Court's decision could potentially have  
28 marked impacts on the nature and scope of these actions and were reasonable in prioritizing the

1 resolution of the *Viking River* motions.

2 46. Defendants moved to compel arbitration as to five of the six Plaintiffs—Plaintiffs  
3 Susategui, Gillespie, Harding, Guerrero, and Arriaga—on November 1, 2022.

4 47. Plaintiffs filed oppositions to the *Viking River* motions to compel arbitration on  
5 December 2, 2022. Again, Plaintiffs’ counsel drafted extensive briefing, supported by careful, detailed  
6 research and analysis, to oppose these motions. Plaintiffs’ filed a lengthy opposition (also 23 pages)  
7 to Defendants’ consolidated motion as to Plaintiffs Suastegui, Gillespie, and Harding, as well as  
8 additional, individualized oppositions for Plaintiffs Guerrero and Arriaga.

9 48. After receiving Plaintiff Arriaga’s opposition brief, Defendants withdrew the *Arriaga*  
10 motion on December 19, 2022.

11 49. After full briefing and argument, the Court denied Defendants’ remaining motions in  
12 large part on January 13, 2023. The Court ruled that Defendants failed to prove that Plaintiff Guerrero  
13 had agreed to arbitration, and also denied the motion in its entirety as to Plaintiff Gillespie. As to  
14 Plaintiffs Suastegui and Harding, the motion was granted only as to the individual PAGA claims,  
15 meaning that the cases could proceed in court as to the violations alleged for all employees beyond  
16 Plaintiffs Suastegui and Harding.

17 50. Following the resolution of the *Viking River* motions, the Parties resumed discovery  
18 practice. Plaintiffs’ counsel continued to engage in highly detailed written and telephonic meet and  
19 confer. At the time of mediation, the Parties had tentatively agreed to an approach under which they  
20 would prioritize the joint employer discovery as to the facilities where the Named Plaintiffs worked.

21 51. Turning to the narrow Sutter County class action, Plaintiff Gillespie originally filed  
22 the case, seeking damages for the underlying wage and hour violations from Flax, on December 14,  
23 2020. Flax filed a motion to compel arbitration on March 26, 2021. After this Court granted Plum’s  
24 motion to compel arbitration, Plaintiff Gillespie and Flax stipulated to proceed in arbitration and  
25 dismiss the case, which the Court signed on May 14, 2021.

26 52. Following Defendants’ failure to pay the required arbitration fees and this Court’s  
27 vacating its order to compel arbitration, Plaintiffs’ counsel prepared a new class action complaint and  
28 refiled Plaintiff Gillespie’s Sutter action on June 14, 2022. The refiled action names only Flax as the

1 Defendant.

2 53. Plaintiff Gillespie propounded initial discovery in the Sutter action on December 19,  
3 2022, and the Parties were engaged in meet and confer at the time of mediation.

4 *Mediation and Settlement*

5 54. The Parties agreed to mediate with Jeffrey Krivis, one of the most highly respected  
6 mediators of wage and hour actions in California, and booked the mediation session for March 30,  
7 2023. After several months of meet and confer on the scope of mediation, and following the Alameda  
8 County rulings on Defendants' motions to compel arbitration in the PAGA cases, Defendants agreed  
9 to engage in a global mediation of all eight pending actions in approximately January 2023.

10 55. For the first mediation session, Plaintiffs' counsel prepared a mediation brief that  
11 explained the Actions, the nature of Plaintiffs' claims, and Plum's operational structure. At the first  
12 session, Plaintiffs' counsel worked with Mr. Krivis to build an understanding as to the cases, including  
13 the claims and procedural history, the joint employer framework, Plum's operational background, and  
14 Plum's anticipated defenses.

15 56. The Parties agreed, with the assistance of the mediator, to negotiate a class and PAGA  
16 settlement on a statewide basis as to all of the Facilities allegedly at issue in California as alleged in  
17 all Actions, pursuant to an agreed upon scope determined by prior settlements and arbitration  
18 agreements. After Mr. Krivis secured confirmation of Defendants' willingness to entertain a "Plum-  
19 wide" settlement, he then worked with the Parties to develop a concrete framework for the production  
20 of data necessary to negotiate a statewide settlement at the second session on May 16, 2023.

21 57. Defendants produced mediation discovery that provided the number of Class  
22 Members, Aggrieved Employees, workweeks and pay periods, along with average hourly rate of pay  
23 and numerous other data points across the 37 Facilities at issue. Defendants also produced a 5%  
24 sampling of timekeeping and payroll records for each of the Facilities and numerous other documents.

25 58. Plaintiffs' counsel developed estimated violation rates for off-the-clock time, meal and  
26 rest break violations, and unreimbursed expenses, which accounted for job type and time period.

27 59. Applying the estimated violation rates to input data provided by Defendants, Plaintiffs'  
28 counsel created a damages analysis under which potential settlement amounts could be compared to

1 the total estimated exposure.

2 60. The Parties participated in the second mediation with Mr. Krivis on May 16, 2023.  
3 During the mediation, each side, represented by its respective counsel, evaluated the potential  
4 exposure and the risks of an adverse result in litigation, and agreed to settle all claims in the Actions  
5 for the employees at the Facilities that did not execute arbitration agreements and did not release  
6 claims in a prior settlement.

7 61. After the May 16, 2023 mediation, the Parties and their counsel signed a Term Sheet  
8 that contained the broad terms of the Settlement. Plaintiffs' counsel prepared the Term Sheet.

9 62. Plaintiffs' counsel then worked diligently to draft the Settlement Agreement on an  
10 expeditious basis. Plaintiffs' counsel provided the first draft of the long-form settlement agreement to  
11 Defendants' counsel on June 7, 2023. Plaintiffs' counsel also drafted the Class Notice.

12 63. After a multi-month drafting process, which involved numerous rounds of edits for the  
13 long-form agreement and separate rounds of edits for the Class Notice and other ancillary documents,  
14 the Parties fully executed the Settlement Agreement on February 2, 2024.

15 64. Plaintiffs' counsel also drafted the Consolidated Class and PAGA Complaint and the  
16 accompanying stipulation that was approved by the Court on February 16, 2024.

17 **SWCK's Lodestar**

18 65. As discussed above, Plaintiffs' counsel spent significant time and resources reaching  
19 this Settlement. I have reviewed my firm's billing records in this case, and a true and correct summary  
20 SWCK's billing is attached hereto as **Exhibit 2**. The hourly rates are the usual and customary rates  
21 for each individual in all of our cases.

22 66. Due to the amount of privileged information contained in SWCK's actual hourly  
23 billing records, those detailed records are not attached here but can easily be provided for this Court's  
24 *in camera* review should the Court wish to review them.

25 67. SWCK's hourly rates for the partners, attorneys, and professional staff are the same as  
26 would be charged in non-contingent matters and/or which have been accepted and approved in other  
27 recent class and collective action wage and hour litigation by federal and state courts around the  
28 country.

1           68.     The hourly rates for this litigation team were recently found to be reasonable for  
2 purposes of a lodestar crosscheck in *Lopez v. Eurofins Scientific, Inc., et al.* (Northern District of  
3 California, Case No. 3:21-cv-08652-LB; ECF 90, February 15, 2024). The Court approved SWCK’s  
4 request for a one-third fee award, noting “the excellent results obtained, the substantial risk borne by  
5 Class Counsel in litigating this matter, the high degree of skill and quality of work performed” and  
6 that “the fee award is further supported by a lodestar crosscheck, whereby it finds that SWCK’s hourly  
7 rates are reasonable, that the estimated hours expended are reasonable, and that the multiplier is  
8 reasonable in light of the above.”

9           69.     The hourly rates for this litigation team were also found to be reasonable for purposes  
10 of a lodestar crosscheck in *Rodriguez, et al. v. Tri-Wire Engineering Solutions, Inc., et al.* (District of  
11 Massachusetts, Case No. 1:21-cv-10752-PBS; ECF 139, December 5, 2023), where the Court held  
12 that “[SWCK]’s hourly rates are within the prevailing range of hourly rates charged by attorneys  
13 providing similar services in class action, wage-and-hour cases. The declarations submitted in support  
14 of the motion demonstrate that the attorneys representing the class have the experience and  
15 qualifications necessary to represent the Class.”

16           70.     The hourly rates for this litigation team were again found to be reasonable in *Beissel*  
17 *v. Western Flyer Express, LLC* (Western District of Oklahoma, Case No. 5:21-cv-00903-R; ECF 98,  
18 November 3, 2023) (order reported at 2023 U.S. Dist. LEXIS 197749 and 2023 WL 7288735), where  
19 the Court held that “the fee award is further supported by a lodestar crosscheck, whereby it finds that  
20 the hourly rates of Schneider Wallace Cottrell Konecky LLP ... are reasonable, and that the estimated  
21 hours expended are reasonable.”

22           71.     Similarly, in *Wright, et al. v. Frontier Management LLC, et al.* (Eastern District of  
23 California, Case No. 2:19-cv-01767-JAM-CKD; ECF 103, March 13, 2023), the court found that  
24 “[SWCK]’s hourly rates are within the prevailing range of hourly rates charged by attorneys providing  
25 similar services in class action, wage-and-hour cases in California, as shown by the Declaration of  
26 Carolyn H. Cottrell.”

27           72.     All of the work described above, for which SWCK’s billing is summarized in Exhibit  
28 2, was reasonable and necessary to the prosecution and settlement of the Actions. Plaintiffs’ counsel

1 conducted an extensive factual investigation and engaged in significant motion and discovery practice  
2 during the prosecution of the Actions. Through this comprehensive evaluation of the facts and law,  
3 Class Counsel was able to settle the Actions for a substantial sum and further, meaningful equitable  
4 relief.

5 73. The Settlement reached with Defendants, as a result of two separate mediations,  
6 involves complex provisions that are specific to wage and hour litigation. The Settlement and the  
7 result achieved are a reflection of Plaintiffs' counsel's skill and experience. The Settlement provides  
8 Class Members with substantial benefits without having to wait for years of drawn-out litigation.

9 74. Again, the total lodestar for Plaintiffs' counsel, for both SWCK and LFJPC, is  
10 approximately \$2,169,833, based on 2,426.9 total hours. This amount would only increase with  
11 preparation and attendance at the preliminary and final approval hearings, further communications  
12 with Class Members during the notice process, and Settlement administration and oversight.

13 75. The requested attorneys' fees reflect a reasonable multiplier of 1.61 when compared to  
14 the total lodestar amount. See, e.g., *Wershba v. Apple Comput., Inc.* (2001) 91 Cal.App.4th 224, 255  
15 ("Multipliers can range from 2 to 4 or even higher."); *Vizcaino v. Microsoft Corp.* (9th Cir. 2002) 290  
16 F.3d 1043, 1047 (multipliers "ranging from one to four are frequently awarded ... when the lodestar  
17 method is applied"; affirming fees where the cross-check multiplier is 3.65); *Kim v. Space Pencil, Inc.*  
18 (N.D. Cal. Nov. 28, 2012) 2012 U.S. Dist. LEXIS 169922, 2012 WL 5948951, at \*20-21 (the  
19 "customary range" for multipliers in class action lawsuits includes multipliers up to 4 times class  
20 counsel's lodestar).

21 76. Based upon the foregoing reasons, Plaintiffs' counsel respectfully submits that the  
22 Court should preliminarily approve the requested fees.

### 23 **Plaintiffs' Counsel's Costs**

24 77. This litigation required SWCK and LFJPC to advance costs. As of March 29, 2024,  
25 Plaintiffs' counsel expended \$51,981.98 in costs to prosecute these Actions. A true and correct  
26 breakdown of the costs is attached hereto as **Exhibit 3**.

27 78. The expenses incurred pertaining to these Actions are reflected in the books and  
28 records of SWCK. SWCK maintained a joint litigation fund to pay expenses in the Actions, which

1 was funded by both SWCK and LFJPC, for which SWCK maintained further books and records.  
2 These books and records are prepared from invoices, expense vouchers and check records and are an  
3 accurate record of the expenses incurred. All of these expenses were reasonable, necessary for the  
4 successful prosecution of the Actions, and are customarily billed to fee-paying clients.

5 79. Plaintiffs' counsel total cost amount would only increase with preparing and filing the  
6 final approval papers, paying for court reporters for further hearings, and filing the additional  
7 documents (such as administrator declarations and the proposed amended judgment) necessary to  
8 bring the settlement administration process to a conclusion.

9 80. Plaintiffs' counsel reported, in the preliminary approval brief, that their costs were  
10 "currently estimated at \$50,000." See preliminary approval brief, 3:2-3, 14:7, 28:28. Plaintiffs'  
11 counsel respectfully requests that the Court preliminarily approve costs not to exceed \$55,000.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I declare under penalty of perjury under the laws of the State of California that the foregoing  
is true and correct. Executed on March 29, 2024, at Emeryville, California.



\_\_\_\_\_  
Scott L. Gordon

# **Exhibit 1**



## AMENDMENT TO SETTLEMENT AGREEMENT

Plaintiffs Luci Gillespie; Ileana Suastegui; Trevor Harding; Esther Corona; Joselito Guerrero; and Mildred Arriaga (together, “Plaintiffs”) and Defendants Plum Healthcare Group, LLC; Flax Holdings, LLC d/b/a River Valley Care Center; Gladiolus Holdings, LLC d/b/a The Pines at Placerville Healthcare Center; Jujube Holdings, LLC d/b/a Sunnyvale Post-Acute Center; Douglas Fir Holdings, LLC d/b/a Huntington Valley Healthcare Center; Rosebud Holdings, LLC d/b/a Western Slope Health Center; and Olive Holdings, LLC d/b/a Aviara Healthcare Center (together, “Defendants”) hereby enter into this Amendment to the Settlement Agreement (“Settlement,” or “Agreement”) that the Parties executed on or about February 2, 2024 and submitted to the Court on February 8, 2024.

The Parties make the following amendments to the Settlement to extend the notice period for Class Members to submit objections, opt-outs, and disputes regarding workweeks from 45 to 60 days:

1. Paragraph III.E.3.a (on pages 18-19 of the Agreement), regarding objections to the Settlement, is amended such that Class Members who wish to object to any term of the Settlement must mail their written objections to the Settlement Administrator not later than 60 days after the Class Notice Packets are first sent by the Settlement Administrator via U.S. Mail and/or email.

2. Paragraph III.E.3.b (on page 19 of the Agreement), regarding opt-outs from the Settlement, is amended such that Class Members who wish to exclude themselves from the Settlement must mail their Exclusion Letters to the Settlement Administrator not later than 60 days after the Class Notice Packets are first sent by the Settlement Administrator via U.S. Mail and/or email.

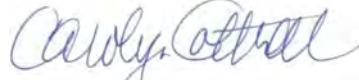
3. Paragraph III.E.4 (on pages 19-20 of the Agreement), regarding disputes over Class Workweeks and/or PAGA Pay Periods, is amended such that Class Members and/or Aggrieved Employees who wish to dispute the number of Class Workweeks and/or PAGA Pay Periods shown on their Notice of Estimated Settlement Award must mail their disputes (with supporting evidence) to the Settlement Administrator not later than 60 days after the Class Notice Packets are first sent by the Settlement Administrator via U.S. Mail and/or email.

4. The Notice of Class Action Settlement and Final Approval Hearing attached to the Agreement as Exhibit B is amended in Sections 4 and 6 to indicate that the notice period for Class Members to submit objections, opt-outs, and disputes regarding Workweeks and/or PAGA Pay Periods is 60 days. The Notice of Class Action Settlement and Final Approval Hearing attached hereto as Exhibit B incorporates these amendments and shall replace the original Exhibit B attached to the Agreement.

The Parties enter into this Amendment through their respective counsel of record pursuant to Paragraph III.K.3 of the Agreement. This Amendment may be executed in one or more counterparts.

Dated: March 20, 2024

SCHNEIDER WALLACE  
COTTRELL KONECKY LLP



---

Carolyn Hunt Cottrell  
Scott L. Gordon  
Attorneys for Plaintiffs

Dated: March 28, 2024

LAWYERS FOR JUSTICE, PC




---

Edwin Aiwazian  
Attorneys for Plaintiffs

Dated: 03/20/24

FISHER & PHILLIPS LLP



---

Grace Y. Horoupian  
Victor Xu  
Kristina Buan  
Attorneys for Defendant

# **Exhibit B**

(to Amendment to Settlement Agreement)

***Luci Gillespie and Ileana Suastegui v. Plum Healthcare Group, LLC***  
**Superior Court of California County of Tulare Case No. VCU285376<sup>1</sup>**

**NOTICE OF CLASS ACTION SETTLEMENT AND FINAL APPROVAL HEARING**

**Please read this notice carefully**

You are receiving this Notice of Class Action Settlement and Final Approval Hearing (“Notice”) because the records of Plum Healthcare Group, LLC and/or the applicable Facility Entity show you performed work as a non-exempt employee at one of 37 healthcare facilities in California (“Facilities”), identified in Section 2 below, between December 17, 2016 and July 17, 2023. Because you fit this definition, **you may be entitled to receive money from a Settlement<sup>2</sup> in this case as described below**.

**1. Why Should You Read This Notice**

This Notice explains what this case is about; your right to share in the monetary proceeds of this Settlement; how much you can expect to receive; the claims that are being resolved; and your options. It explains that there are two groups of workers that are covered by the Settlement: (1) Class Members, for whom the Plaintiffs seek damages under the California Labor Code for unpaid wages (including minimum wages and overtime), missed or non-compliant meal periods and rest breaks, unreimbursed business expenses, and related violations; and (2) Aggrieved Employees, for whom Plaintiffs seek civil penalties (fines) that are allegedly owed to the State of California under the California Labor Code Private Attorneys General Act (“PAGA”) for the labor violations alleged.

Your rights and options under the Settlement depend on whether you are a Class Member, an Aggrieved Employee, or both. Please carefully review this Notice and the enclosed Notice of Estimated Settlement Award to determine whether you are a Class Member, an Aggrieved Employee, or both.

The Superior Court of California, County of Tulare, has preliminarily approved the Settlement as fair and reasonable. The Court will hold a Final Approval Hearing on [REDACTED], 2024 at [REDACTED], before the Honorable Bret Hillman in Department 7 of the Tulare County Superior Court, located at 221 S. Mooney Blvd., Visalia, CA 93291.

**2. What Is This Case About**

The Settlement in this case resolves certain labor claims under California law for non-exempt employees at 37 Facilities that were allegedly connected with Plum Healthcare Group, LLC. The

---

<sup>1</sup> This proposed Settlement in this case also resolves numerous other lawsuits pending in California.

<sup>2</sup> The “Settlement” refers to the Settlement Agreement. This Notice summarizes the proposed Settlement. The capitalized terms in this Notice have defined meanings that are set out in detail in the Settlement. To review a copy of the Settlement, please visit the Settlement website at [INSERT URL].

Facilities (and associated Facility Entities) are:

1. Arlington Gardens Care Center (Honeyflower Holdings, LLC)
2. Auburn Oaks Care Center (Aloe Holdings, LLC)
3. Aviarra Healthcare Center (Olive Holdings, LLC)
4. Bishop Care Center (Ixia Holdings, LLC)
5. Canyon Springs Post-Acute (Dragonfruit Holdings, LLC)
6. Copper Ridge Care Center (Applewood Operating Company, LLC)
7. Cottonwood Canyon Healthcare Center (Koa Holdings, LLC)
8. Crystal Cove Care Center (Norway Maple Holdings, LLC)
9. Cypress Ridge Care Center (Marjoram Holdings, LLC)
10. East Bay Post-Acute (Bilberry Holdings, LLC)
11. Garden City Healthcare Center (Fig Holdings, LLC)
12. Highland Palms Healthcare Center (Cedar Holdings, LLC)
13. Huntington Valley Healthcare Center (Douglas Fir Holdings, LLC)
14. La Mesa Healthcare Center (Elm Holdings, LLC)
15. La Paloma Healthcare Center (Italian Maple Holdings, LLC)
16. Marysville Post-Acute (Melon Holdings, LLC)
17. McKinley Park Care Center (Azalea Holdings, LLC)
18. Midtown Oaks Post-Acute (White Fir Holdings, LLC)
19. Peninsula Post-Acute (Pear Holdings, LLC)
20. Pine Creek Care Center (Daisy Holdings, LLC)
21. Plum Healthcare Group, LLC
22. Poway Healthcare Center (Poplar Holdings, LLC)
23. Primrose Post-Acute (Kumquat Holdings, LLC)
24. Redlands Healthcare Center (Ash Holdings, LLC)
25. Reo Vista Healthcare Center (Lilac Holdings, LLC)
26. River Valley Care Center (Flax Holdings, LLC)
27. Rock Creek Care Center (Ulmus Holdings, LLC)
28. Roseville Care Center (Crocus Holdings, LLC)
29. Sacramento Post-Acute (Oleander Holdings, LLC)
30. San Diego Post-Acute Center (Pepperbush Holdings, LLC)
31. Sunnyvale Post-Acute Center (Jujube Holdings, LLC)
32. Trellis Chino (Macadamia Holdings, LLC)
33. University Care Center (Birch Holdings, LLC)
34. Western Slope Health Center (Rosebud Holdings, LLC)
35. White Blossom Care Center (Hawthorne Holdings, LLC)
36. Whitney Oaks Care Center (Queen Ann's Lace Holdings, LLC)
37. Yuba City Post-Acute (Guava Holdings, LLC)

This case alleges that hourly-paid, non-exempt individuals who worked at the Facilities were not paid for all hours that they actually worked (i.e., they worked “off the clock” without pay), inclusive of all minimum wages and overtime. The case also alleges that these workers were not provided compliant meal periods and rest breaks. The case further alleges that these workers were not reimbursed for necessary business expenses that they incurred for their work, were not provided complete and accurate wage statements, and were not paid final wages at the end of

employment. The case seeks recovery of unpaid wages, statutory damages, civil penalties under the PAGA, restitution, interest, and attorneys' fees and costs. The claims in this case are brought under California law.

The Plaintiffs in this case are Luci Gillespie, Ileana Suastegui, Trevor Harding, Esther Corona, Joselito Guerrero, and Mildred Arriaga (collectively, the "Plaintiffs"). The Plaintiffs had originally filed eight separate lawsuits around California (the "Actions") and consolidated their claims in this case after reaching the Settlement. The Defendants in this case are Plum Healthcare Group, LLC and various Facility Entities (collectively, "Defendants"). Defendants vehemently deny these allegations and contend that they have legal and factual defenses to these claims, but recognize the risks, distractions, and costs associated with litigation. Further, Plum Healthcare Group, LLC denies that it was a joint employer of any employees of the Facility Entities.

This Settlement is the result of good faith, arms' length negotiations between Plaintiffs and Defendants, through their respective attorneys. Both sides agree that, considering the risks and expenses associated with continued litigation, this Settlement is fair and appropriate under the circumstances and in the best interests of the Class Members, Aggrieved Employees, and the State of California. This Settlement is a compromise and is not an admission of liability on the part of Defendants, the Facilities, or the Facility Entities. The Court has not ruled on the merits of Plaintiffs' claims or Defendants' defenses.

The Settlement Administrator has created a Settlement website, which can be accessed at [INSERT URL]. The Settlement website allows interested persons to view the Settlement, papers filed by Class Counsel to obtain Court approval of the Settlement Agreement, and this Notice (in generic form). The Settlement website also provides contact information for Class Counsel and the Settlement Administrator.

### **3. What Are the Terms of the Settlement**

Defendants have agreed to pay \$10,000,000.00 to settle this case (the "Gross Settlement Amount"). The Settlement also requires the Facilities to make certain changes to their policies and practices regarding meal periods, rest breaks, and timekeeping and payroll (the "Equitable/Injunctive Components" to the Settlement).

Deductions will be made from the Gross Settlement Amount for attorneys' fees and costs for Class Counsel (up to \$3,500,000.00, plus attorneys' costs; see Section 10 below); settlement administration costs (currently estimated at \$ ); Service Awards to the Plaintiffs (up to \$15,000.00 for Plaintiff Guerrero and up to \$10,000.00 each for the other Plaintiffs); and the PAGA Allocation (\$100,000.00).

After deductions of these amounts, the remaining amount (the "Class Net Settlement Amount") will be available to pay monetary Settlement Shares to the Participating Class Members. The PAGA Allocation will be distributed so that the State of California will receive 75%, or \$75,000.00, and the Aggrieved Employees will receive 25%, or \$25,000.00 (the "PAGA Net Settlement Amount").

The Class Net Settlement Amount will be distributed to Class Members that do not opt out of the Settlement (“Participating Class Members”). The following persons are “Class Members” and will be eligible to receive a monetary award from the Class Net Settlement Amount: *all current and former non-exempt employees, allegedly employed in California by Plum Healthcare Group, LLC and/or the applicable Facility Entity, who worked at any of the Facilities from December 17, 2016 to July 17, 2023, was not subject to an arbitration agreement<sup>3</sup>, and did not release claims under a settlement in any of the Settled Cases.*

The PAGA Net Settlement Amount will be distributed to Aggrieved Employees. The following persons are “Aggrieved Employees” and will be eligible to receive a monetary award from the PAGA Net Settlement Amount: *all current and former non-exempt employees, allegedly employed in California by Plum Healthcare Group, LLC and/or the applicable Facility Entity, who worked at any of the Facilities from January 13, 2020 through [insert date of preliminary approval], was not subject to an arbitration agreement, and did not release claims under a settlement in any of the Settled Cases.*

Employees at the Facilities that released claims in any of the Settled Cases are not eligible to participate in the Settlement. The “Settled Cases” are the following lawsuits, which are class actions and/or PAGA actions that resulted in settlements:

- i. *Chace v. Daisy Holdings, LLC* (Sacramento County Superior Court, Case. No. 00209613)
- ii. *Grimsley v. Spruce Holdings, LLC* (Tulare County Superior Court, Case. No. VCU275267)
- iii. *D’Antonio v. Fig Holdings, LLC*, (Stanislaus County Superior Court, Case. No. CV-19-4015)
- iv. *Jackson v. White Fir Holdings, et al.* (PAGA) (Sacramento County Superior Court, Case. No. 34-2021-00301656-CU-OE-GDS)
- v. *Foxx v. Healthcare Services Group, et al.* (PAGA) (Alameda County Superior Court, Case. No. RG21100855)
- vi. *Legaspi v. Cucumber Holdings, LLC* (PAGA) (Los Angeles County Superior Court, Case. No. 20STCV24775)
- vii. *Buckmaster v. Pepperbush Holdings, LLC* (PAGA) (San Diego County Superior Court, Case. No. 37-2020-00023125-CU-OE-CTL)
- viii. *Allen v. Kumquat Holdings, LLC* (PAGA) (Los Angeles County Superior Court, Case. No. 20STCV33311)
- ix. *Cetnarowski v. Melon Holdings, LLC* (PAGA) (Yuba County Superior Court, Case. No. CVCV21-01007)
- x. *Abarca v. Cantaloupe Holdings, LLC* (PAGA) (Los Angeles County Superior Court, Case. No. 21STCV08753)

---

<sup>3</sup> An arbitration agreement is an agreement between two parties that dictates how they will resolve a legal conflict or dispute between them. When parties agree to mandatory arbitration, legal disputes between them are decided in private arbitration, as opposed to a court provided by the government. A neutral third party, called an arbitrator, hears the evidence, makes legal and factual determinations, and decides each party’s claims. When employees sign arbitration agreements, it is typically difficult or impossible for them to bring their claims as part of a class action.

- xi. Jimenez v. Olive Holdings, LLC (PAGA) (San Diego County Superior Court, Case No. 37-2021-00048293-CU-OE-CTL)*
- xii. Anguiano v. Norway Holdings, LLC (PAGA) (San Diego County Superior Court, Case No. 97-2021-00041803-CU-OE-CTL).*

The Equitable/Injunctive Components of the Settlement require specific changes to operations at the Facilities, and include (but are not limited to) the following:

- The Facilities and Facility Entities agree to not punish or discipline non-exempt employees, or otherwise impose negative employment consequences, when they report that (1) they were not provided with a compliant meal period or rest break, or (2) they were required to work additional hours beyond their scheduled shift time and/or overtime hours.
- The Facilities and Facility Entities will establish a “missed meal period log” and a “missed rest break log” where non-exempt employees can readily report that that were not provided with a full, timely, uninterrupted, off-duty break.
- The Facilities and Facility Entities agree to remedy any issues with their timekeeping and payroll systems so that non-exempt employees are duly and timely paid for all “on the clock” time that they record. All “on the clock” time must be readily viewable by non-exempt employees in the Workday application.
- The Facilities will provide required training for management and supervisors on the California wage and hour laws as alleged in this case, and methods for compliance.
- Management at the Facilities will orally read a notice to all current non-exempt employees (i.e., at a team meeting or similar setting) that summarizes in plain language the wage and hour laws and related protections and obligations, and will inform workers of the “missed meal period log” and the “missed rest break log.”

<b>4. How Much Can I Expect to Receive</b>
--

***Please see the enclosed Notice of Estimated Settlement Award for your estimated Class Settlement Share and/or your estimated PAGA Settlement Share.***

All Participating Class Members will receive a *pro rata* share of the Class Net Settlement Amount based on the total number of workweeks that they worked at any Facility during the Class Period (from December 17, 2016 to July 17, 2023), if any (“Class Workweeks”).

The total number of Class Workweeks for all Participating Class Members will be added together and the resulting sum will be divided into the Class Net Settlement Amount to reach a per workweek dollar figure. That figure will then be multiplied by each Participating Class Member’s Class Workweeks to determine the Participating Class Member’s Class Settlement Share.

Additionally, Aggrieved Employees will also receive a *pro rata* share of the PAGA Net Settlement Amount based on the total number of pay periods that they worked at any Facility during the PAGA Period (from January 13, 2020 through [insert date of preliminary approval]), if any (“PAGA Workweeks”).



To the extent an individual is both a Participating Class Member and an Aggrieved Employee, their PAGA Settlement Share will be paid separately from, and in addition to, their Class Settlement Share. **Any Class Members that opt out of the Settlement will still receive a PAGA share and will still release claims under the PAGA.**

The enclosed Notice of Estimated Settlement Award provides your Class Workweeks and/or PAGA Pay Periods, in addition to your estimated Class Settlement Share and/or your estimated PAGA Settlement Share, as applicable. If you are not credited with any Class Workweeks, you are not eligible to participate in the Settlement as a Class Member. If you are not credited with any PAGA Pay Periods, you are not eligible to participate in the Settlement as an Aggrieved Employee.

All Class Settlement Share and PAGA Settlement Share determinations will be based on timekeeping, payroll, and/or other records maintained by Defendants, the Facilities, and/or the Facility Entities. The amounts reported on the Notice of Estimated Settlement Award are estimated amounts, and your final share is expected to differ from this amount (i.e., it could be higher or lower) and will be calculated as set forth above.

**Please note that all payments under the Settlement including Class Settlement Shares and PAGA Settlement Shares will be paid in three equal installments approximately 9 days apart.**

If you dispute the number of workweeks or pay periods shown on the Notice of Estimated Settlement Award, you may produce evidence to the Settlement Administrator establishing the dates you contend to have worked as a non-exempt employee at any of the Facilities as a Class Member or Aggrieved Employee, as applicable. To do so, complete and sign the Notice of Estimated Settlement Award, provide an explanation for the basis for your dispute, attach copies of the supporting evidence, and send these items to the Settlement Administrator (*please retain copies of all of these documents for your records*). Unless you present convincing evidence proving you worked more workweeks and/or pay periods than shown by the records maintained by Defendants, the Facilities, and/or the Facility Entities, your Settlement Share(s) will be determined based those records. Any disputes must be postmarked by [INSERT DATE], which is **6 days** from the mailing of this Notice] and should be mailed to [INSERT SETTLEMENT ADMINISTRATOR ADDRESS]. The Settlement Administrator will notify you of the decision on the dispute.

For tax reporting purposes, Class Settlement Shares to Participating Class Members will be allocated as follows: 10% of each Class Settlement Share (the “Wage Portion”) will be treated as a payment in settlement of the Participating Class Member’s claims for unpaid wages. The Wage Portion will be reduced by applicable employee-side withholding and deductions, as well as applicable employer-side payroll tax withholding and deductions, and will be reported on Form W-2. The remaining 90% of each Class Settlement Share (the “Non-Wage Portion”) will be treated as a payment in settlement of the Participating Class Member’s claims for all unreimbursed business expenses, liquidated damages, and penalties. The Non-Wage Portion will not be reduced by tax withholding and deductions, and will be reported on Form 1099. PAGA Settlement Shares to Aggrieved Employees will be allocated 100% as settlement of claims for penalties, will not be reduced by tax withholding and deductions, and will be reported on Form 1099. None of the Parties or attorneys makes any representations concerning the tax consequences of this Settlement or your

participation in it. Class Members and Aggrieved Employees should consult with their own tax advisors concerning the tax consequences of the Settlement.

**If you participate in the Settlement you will be issued three checks each for one third of your total Settlement Share.** You will have 90 days to cash the checks that will be sent to you, and if not cashed by then, the check will be void. If you do not cash your check in the first or second round of payments, the payment will be reissued to you with the next round of checks. If you do not cash your third check within the 90-day check void period, you will forfeit your payment(s). At the conclusion of the 90-day check void period for the third round of payments, the uncashed checks funds will be redistributed among Participating Class Members and Aggrieved Employees that cashed their third check, on a *pro rata* basis, provided that the total amount of uncashed checks equals or exceeds \$100,000.00. Any uncashed checks from this second distribution will be paid to the Parties' agreed upon *cy pres* recipient, Legal Aid at Work, subject to the Court's approval in the final approval order.

**It is your responsibility to keep a current address on file with the Settlement Administrator to ensure receipt of your Settlement checks. If you fail to keep your address current you may not receive all of your Settlement checks. You may contact the Settlement Administrator name at contact information to update your address.**

## **5. What Are the Releases**

There are separate releases of claims under the Settlement for Participating Class Members and Aggrieved Employees.

As of the Effective Date (the date by which the Court grants final approval for the Settlement and all appeals (if any) of the approval have been exhausted), all Participating Class Members release the following claims against the Released Parties (defined below):

“Class Released Claims” means any and all any and all demands, rights, liabilities, claims, and/or causes of action against Defendants and the Released Parties during the class period, known or unknown, that are or could have been alleged based on the facts alleged in the operative complaints and/or the notices of claims under the PAGA to the LWDA in any of the Actions. The Class Released Claims include, but are not limited to, claims that any of the Released Parties failed to pay for all hours worked (including, but not limited to, any and all claims related to “off the clock work”); pay minimum wages or overtime compensation; provide compliant meal and rest periods (including but not limited to, providing short, skipped, late, or otherwise deficient meal and rest breaks); reimburse or indemnify employees for necessary business expenses; provide accurate itemized wage statements; and pay all wages due to discharged and quitting employees. The Class Released Claims include, but are not limited to, such claims brought under California Labor Code sections 201, 202, 203, 204, 205, 226, 226.3, 226.7, 256, 510, 512, 1174(d), 1182.11, 1182.12, 1194, 1194.2, 1197, 1197.1, 1198, 2802; California Business and Professions Code sections 17200-17208; the Industrial Welfare Commission Wage Orders; and the Fair Labor Standards Act (“FLSA”), 29 U.S.C. 201 *et seq.* Such claims include claims for wages, statutory penalties, civil penalties, or other relief under the California Labor Code and any other related state or municipal law, relief from

unfair competition under California Business and Professions Code section 17200 *et seq.*; attorneys' fees and costs; and interest.

As of the Effective Date, all Aggrieved Employees release the following claims against the Released Parties:

“PAGA Released Claims” means any and all any and all demands, rights, liabilities, claims, and/or causes of action under the PAGA against Defendants and the Released Parties during the PAGA Period, known or unknown, that are or could have been alleged based on the facts alleged in the operative complaints and/or the notices of claims under the PAGA to the LWDA in any of the Actions. The PAGA Released Claims include, but are not limited to, PAGA claims alleging that any of the Released Parties failed to pay for all hours worked (including, but not limited to, any and all claims related to “off the clock work”); pay minimum wages or overtime compensation; provide meal and rest periods (including but not limited to, providing short, skipped, late, or otherwise deficient meal and rest breaks); reimburse or indemnify employees for necessary business expenses; provide accurate itemized wage statements; and pay all wages due to discharged and quitting employees. The PAGA Released Claims include, but are not limited to, such PAGA claims alleging violations of California Labor Code sections 201, 202, 203, 204, 205, 226, 226.3, 226.7, 256, 510, 512, 1174(d), 1182.11, 1182.12, 1194, 1194.2, 1197, 1197.1, 1198, 2802; and the Industrial Welfare Commission Wage Orders. The PAGA Released Claims include, but are not limited to, claims under the PAGA for civil penalties; attorneys' fees and costs; and interest.

The “Released Parties” means Defendants, the Facilities, and the Facility Entities; any of their present and former parents, subsidiaries, and affiliated companies or entities; their respective officers, directors, employees, partners, shareholders and agents; and any other successors, assigns and legal representatives and related persons and entities. The Released Parties include, but are not limited to, Providence Group, Inc. and Providence Administrative Consulting Services.

## **6. What Are My Rights**

Your right and options under the Settlement depend on whether you are a Class Member, an Aggrieved Employee, or both. Please see Section 4, above, and the enclosed Notice of Estimated Settlement Award to determine whether you are a Class Member, an Aggrieved Employee, or both. As a general matter, only Class Members are permitted to opt-out or object. If you are only an Aggrieved Employee under the Settlement, you are not permitted to opt-out or object. Within this framework, the following options are available.

- **Do Nothing** : (1) If you are a Class Member and do not timely and validly opt-out, you will automatically become a Participating Class Member and receive your Class Settlement Share and will be bound by the Settlement including its release provisions for Participating Class Members. (2) If you are an Aggrieved Employee and do nothing, you will be paid your PAGA Settlement Share and will be bound by the Settlement including its release provisions for Aggrieved Employees. You may utilize the Notice of Estimated Settlement Award to provide address changes to the Settlement Administrator (please retain a copy for your records).

- **Opt Out:** If you are Class Member and do not wish to be bound by the Settlement, you must submit a written Request for Exclusion (“opt-out”), postmarked by [INSERT DATE, which is 6 days from the mailing of this Notice]. The Request for Exclusion must contain your full name, address, telephone number, email address (if applicable), last four digits of your social security number, and must be signed individually by you. No Request for Exclusion may be made on behalf of a group. The Request for Exclusion must be sent by mail to the Settlement Administrator at [INSERT SETTLEMENT ADMINISTRATOR ADDRESS].

Any Class Member who opts out of the Settlement will not be entitled to any Class Settlement Share, will not be bound by the Released Claims, and will not have any right to object, appeal or comment on the Settlement.

**However Class Members may not opt out of the PAGA portion of the Settlement.** Thus, Class Members that are also Aggrieved Employees will still receive their PAGA Settlement Share and will still be subject to the release of PAGA claims under the Settlement even if they opt out.

**If you are ONLY an Aggrieved Employee and not a Class Member you are not permitted to opt out of the Settlement.**

- **Objection:** If you are Class Member and wish to object to the Settlement, you may submit a written statement objecting to the Settlement by [INSERT DATE, which is 6 days from the mailing of this Notice]. The statement must state the factual and legal grounds for your objection to the settlement. The statement must state your full name, address, telephone number, and email address (if applicable), and must be signed by you or your attorney. The postmark date of mailing to the Settlement Administrator shall be the exclusive means for determining that an objection is timely mailed.

You may also, if you wish, appear at the Final Approval Hearing to discuss your objection with the Court and the parties to the lawsuit. Your written objection should indicate whether you intend to appear at the Final Approval Hearing. Objections will only be considered if the Class Member has not opted out of the Settlement.

**If you are ONLY an Aggrieved Employee and not a Class Member you are not permitted to object to the Settlement.**

**7. How Do I Appear at the Final Approval Hearing**

If you do not opt out of the Settlement, you may appear at the Final Approval Hearing. You do not have to attend the Final Approval Hearing, but you may do so at your own expense. You may also pay your own lawyer to attend, but it is not necessary. Please see Section 1, above, for the date, time, and location of the Final Approval Hearing.

**8. Can Defendants Retaliate Against Me for Participating in this Settlement**

No. Your decision as to whether or not to participate in this Settlement will in no way affect your work or employment, or future work or employment, with Defendants, the Facilities, or the Facility

Entities. It is unlawful for Defendants, the Facilities, or the Facility Entities to take any adverse action against you as a result of your participation in this Settlement.

**9. Who Are the Attorneys Representing Plaintiffs, Class Members and Aggrieved Employees**

Plaintiffs, Class Members, and Aggrieved Employees are represented by the following attorneys acting as Class Counsel:

Carolyn H. Cottrell  
Caroline N. Cohen  
Scott L. Gordon  
**SCHNEIDER WALLACE  
COTTRELL KONECKY LLP**  
2000 Powell Street, Suite 1400  
Emeryville, CA 94608  
Telephone: (800) 689-0024  
Facsimile: (415) 421-7105  
ccottrell@schneiderwallace.com  
ccohen@schneiderwallace.com  
sgordon@schneiderwallace.com

Edwin Aiwarzian  
**LAWYERS for JUSTICE PC**  
410 W. Arden Avenue, Suite 203  
Glendale, CA 91203  
Telephone: (818) 265-1020  
edwin@calljustice.com

Defendants are represented by the following attorneys:

Grace Y. Horoupian  
Victor T. Xu  
Kristina N. Buan  
**FISHER & PHILLIPS, LLP**  
2050 Main St., Ste. 1000  
Irvine, CA 92614  
Tel: (949) 851-2424 Fax: (949) 851-0152  
ghoroupian@fisherphillips.com  
vxu@fisherphillips.com  
kbaun@fisherphillips.com

**10. How Will the Attorneys for the Class Be Paid**

Class Counsel will be paid from the Gross Settlement Amount of \$10,000,000.00. You do not have to pay the attorneys who represent the Class. The Settlement provides that Class Counsel will receive attorneys' fees not to exceed 35% of the Gross Settlement Amount (i.e., \$3,500,000.00) plus their out-of-pocket costs, currently estimated at \$\_\_\_\_\_. The amount of attorneys' fees and costs awarded will be determined by the Court at the Final Approval Hearing. Class Counsel, at their option, may also apply to the court in any of the Actions for further attorneys' fees and costs associated with obtaining and monitoring the Equitable/Injunctive Components of the Settlement, in the amount of up to an additional 35% of the valuation of the equitable/injunctive relief, and Defendants will not oppose their request.

## 11. Where Can I Get More Information

If you have questions about this Notice, or the Settlement, or if you did not receive this Notice in the mail and you believe that you are or may be a member of the Settlement, you should contact the Class Counsel. You may contact the Settlement Administrator at [insert phone number] if you have an address change or routine inquiry.

This Notice is only a summary. For the precise terms and conditions of the Settlement, please see the full Class Action Settlement Agreement, available at the Settlement website at [INSERT URL]. You may also access the full Settlement Agreement, as well as the pleadings and other records in this litigation: (a) by contacting Class Counsel at the contact information listed above; or (b) in person at the Clerk's Office, Tulare County Superior Court, located at 221 S. Mooney Blvd., Room 201, Visalia, CA 93291, between 8:00 a.m. and 4:00 p.m. Monday through Friday, excluding Court holidays.

**PLEASE DO NOT CONTACT THE COURT THE CLERK OF THE COURT THE JUDGE OR DEFENDANTS FOR INFORMATION ABOUT THE PROPOSED SETTLEMENT OR THIS CASE.**

# **Exhibit 2**

**SWCK Billing (all Plum cases) - Overall Total**

**Timekeepers with less than 5 total hours omitted**

Name	Title	Hourly Rate	Total Hours	Total Fees
r r	r r			
r	r			
rd				
dr r				
d rd				
r r				
<b>TOTAL ATTORNEYS</b>			<b>1793.8</b>	<b>\$1,609,653</b>
r	r			
d	r			
r	r			
rr				
r d	r			
r d dr	r			
	r			
M				
r r				
rd r	r			
M r				
r	r			
r r	M r			
r r	r			
r M	M r			
r	M r			
	r			
r				
<b>TOTAL STAFF</b>			<b>246.5</b>	<b>\$95,278</b>
<b>GRAND TOTAL</b>			<b>2040.3</b>	<b>\$1,704,930</b>



**SWCK Billing (all Plum cases) - Overall Total**

**Timekeepers with less than 5 total hours omitted**

Name	Title	Hourly Rate	Gilles ie Suaste ui lass	Suaste ui AGA	Gilles ie AGA	Hardi AGA	oro a AGA	Guerrero AGA	Arria a AGA	Gilles ie Sutter lass	Gilles ie Suaste ui ar s	Total Hours	Total Fees
r r	r r												
r	r												
rd													
dr r													
d rd													
r	r												
<b>TOTAL ATTORNEYS</b>												<b>1793.8</b>	<b>\$1,609,653</b>
r	r												
d	r												
r	r												
rr													
r d	r												
r d dr	r												
	r												
M													
r r													
rd r	r												
M r													
r r	r												
r r	M r												
r M	r												
r	M r												
	r												
r													
<b>TOTAL STAFF</b>												<b>246.5</b>	<b>\$95,278</b>
<b>GRAND TOTAL</b>												<b>2040.3</b>	<b>\$1,704,930</b>

# **Exhibit 3**

**ASE OSTS**  
**lum ases**  
**Date 03 29 2024**

DATE	VENDOR	DESCRIPTION	AMOUNT
R	D	D R r r d r	
	M R	r d	
		r	r
R	D	D R r r d	
		r	
		r	r
		r	r
		r	r
R	D	D R r r d	
		R r r	
		R r	
		M	r r
		r	
		r	D d M r r d
		R	r R r r
R	d	r	rr D d R r
		r	dr
R	D	D R r r d	
R	D	D R r r d	
		M	r r
		M	rd r r r
		M	rd r r r r
		r	d r r
		r	d R r rd
		r	M M r r
		r	M M r
		r	R rd r r r
		r	d r rd
		r	r r
		r	r dr D r
R	D	D R r r d	
		M	
R	D	D R r r d	
		r	r
		r	M M
		r	M M r
		r	d rd
		r	r
		r	r
		r	r
r	M d	r r	M d r r r
R	D	D R r r d	
		r	d rd rr r d r
		r	
		r	d rd rr r d r
r	M d	r r	dM d r r r
R	D	D R r r d	
		r	r d

DATE	VENDOR	DESCRIPTION	AMOUNT
------	--------	-------------	--------

R	D	D R r r d	
R	D	D R r r d	
		r d M	
R	D	D R r r d	
		R r d	
		R r d r	
R	D	D R r r d	
	r D	D r r r	
R	D	D R r r d	
R	D	D R r r d	
		d rd r d r	
		M r r r r	
		R r d	
		R r R	
R	D	D R r r d	
		r d r	

Gillespie and Suastegui v. Plum Healthcare Group (Tulare)

\$ 29,921.26

		r r r	
		r	
		r r	
		r r	
		r r	
		r r	
R	D	D R r r d	
		d rd rr r r	
		d rd rr r r	
R	D	D R r r d	
R	D	D R r r d	
R	D	D R r r d	
R	D	D R r r d	
		r	
		r	
		r r r r D R r r	
		M	
		r	
		r	
		r d r	
		r	

Gillespie v. Flax Holdings, LLC (Sutter)

\$ 2,495.14

D			
	M R	r d	
	r r r	r d	
		r r	
		r d	
		r d	
		r R	

DATE	VENDOR	DESCRIPTION	AMOUNT
------	--------	-------------	--------

		r r r	r r r
		r r r	r d
R	D		D R r r d
		r	M d d r r
		r	M d r
		r	D d r
R	D		D R r r d
		r	r
		r r r	r d
		r	D r
		r	
		r	M r r
		r	M r
		r	R d
		r	R d r
		r r r	r d
		r	D r
		r	M r r
R	D		D R r r d
		r	r r
R	D		D R r r d
R	D		D R r r d
		r	M
		r	M
R	D		D R r r d
		r	M
		r	d rd r d r
		r	d rd r r
R	D		D R r r d
		r	M r r R r
		r	M r r R r r
		r r r	r r
		r	D D d
		r r r	r r
		r r r	r D
		r r r	r
R	D		D D d
		r	D R r r
		r	M
		r	M r
		r	M
		r	
		r	r
		r	R r r d r
		r	R r
		r	r D r R r
		r	R r r d
		r r r	r d
		r	D D d
		r	R r
		r	r D r R r
R	D		D R r r d
R	D		D R r r d
			r d r

Susategui v. Plum Healthcare Group (PAGA) (Alameda)

\$ 6,084.14

DATE	VENDOR	DESCRIPTION	AMOUNT
------	--------	-------------	--------

D		r r	
D		d R r r r	
r r r	r	d	
r r r	r	d r R	
	r	r r	
r r r	r	d	
r r r	r	d	
	r	M	
r r r	r	d	
	r	M d	
	r	r r	
r r r	r	d D r	
	r	r r	
	r	r r	
	r	M	
	r	M	
R D		D R r r d	
	r	M r R r	
	r	M	
r r r	r	d D D d	
	r	M	
	r	M	
	r	r	
R D		D R r r d	
	r	R r R	
R D		D R r r d	
	r	d rd r	
R D		D R r r d	
	r	r D r d rd r	
R D		D R r r d	

r d r

Gillespie v. Flax Holdings, LLC (PAGA) (Alameda)

\$ 1,913.43

D			
	M R	r d r r rd	
R D		D R r r d	
r r r	r	d	
	r	r r D d	
	r	r r D d	
	r	r r D d	
	r	r r	
	r	M	
	r	r r	
r r r	r	d D r	
r r r	r	d	

DATE	VENDOR	DESCRIPTION	AMOUNT
------	--------	-------------	--------

	r r r r d		
	r r r r d		
D	rd	D r	
R	D	D R r r d	
	r r r r d		
	r	r	
R	D	D R r r d	
	r	r	
	r	M d	
R	D	D R r r d	
	r	r r	
	r	r r	
	r	r r	
	r	M	
	r	M	
	r	M	
	r	d rd r	
	r	M r r R r	
	r	M	
	r r r r r d	D D d	
	r	M	
	r	M	
	r	r	
	r	R r	
	r r r r r d	D D d	
R	D	D R r r d	
R	D	D R r r d	
	r	R r	
R	D	D R r r d	
	r	R r	
R	D	D R r r d	
	r	R r	
R	D	D R r r d	
		r d r	

Harding v. Plum Healthcare Group, et al. (PAGA) (Alameda)

\$ 3,045.71

	M R	r d r r	
R	D	D R r r d	
	D		
R	D	D R r r d	
R	D	D R r r d	
	r r r r r d		
	r	r r	
	r	R d	
	r	M r r	
	r	M d	
	r	r	
	r	r r	

DATE	VENDOR	DESCRIPTION	AMOUNT
------	--------	-------------	--------

	r r r r d	D r	
		r r	
		r r	
		M	
		M	
		M	
			d rd rr r d
		M	
		M	
		M	
			r
		R r	

	r r r r d	D d d	
R D		D R r r d	
R D		D R r r d	
	r	R r	
R D		D R r r d	
	r	R r	
R D		D R r r d	
	r	R r	
R D		D R r r d	

r d r

**Corona v. Plum Healthcare Group, et al. (PAGA) (Alameda)**

**\$ 2,790.60**

R D		D R r r d	
D			
	M R	r d	rr r
R D		D R r r d	
	r r r r d		
	r	r r	
	r	R d	
	r r r r d	D r	
	r	M	
	r	M d	
	r		r
	r r r r r	D r	
	r	r r	
	r r r r d	D r	
	r	r r	
	r	r r	
	r	M	
	r	M	
	r	M	
	r		d rd rr r d
	r	M r r	R r
	r	M r r	R r r



DATE	VENDOR	DESCRIPTION	AMOUNT
------	--------	-------------	--------

R	D	D R r r d
		M
	r r r r d	D D d
		M
		M
		r
		R r
R	D	D R r r d
		R r
R	D	D R r r d
		R r
R	D	D R r r d
		R r
R	D	D R r r d
		r d r

**Guerrero v. Plum Healthcare Group, et al. (PAGA) (Alameda)**

**\$ 2,957.82**

	D	
	M R	r d M dr d rr
R	D	D R r r d
		r
		r
		R d
		r r r r
		r
		M
		r
		M
		M
		M
		d rd rr r d
		M r r R r
		M r r R r r
		r
		M
		M
	r r r r d	D D d r
		M
		M
		r
		R r
R	D	D R r r d
		R r
R	D	D R r r d
R	D	D R r r d
		R r
R	D	D R r r d
		R r
R	D	D R r r d

DATE	VENDOR	DESCRIPTION	AMOUNT
------	--------	-------------	--------

r d r

**Arriaga v. Plum Healthcare Group, et al. (PAGA) (Alameda)**

**\$ 2,773.88**

**GRAND TOTAL ALL CASES**

**\$ 51,981.98**

# **Exhibit**

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Thursday, February 8, 2024 5:12 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact [support@langtech.com](mailto:support@langtech.com) if in doubt.

02/08/2024 05:11:24 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: <https://protect-us.mimecast.com/s/KkEtCyPz2wCrJNvKuZ9sau>

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Your Last Name \*

Your Email Address \*

Your Street Name, Number and Suite/Apt \*

Your Mobile Phone Number

Your City \*

Your Work Phone Number

Your State \*

Your Zip/Postal Code \*

### Court and Hearing Information

**Court \***

Tulare County Superior Co

**Court Case Number \***

VCU285376

**Hearing Date (if any)**

March 12, 2024

**Hearing Time**

8:30 am

**Hearing Location**

Dept. 7

**Number of aggrieved employees \***

1402

**Gross settlement amount \***

10000000

**Gross penalty amount \***

100000

**Penalties to LWDA \***

75000

**Date of proposed settlement \***

02/02/2024

### Proposed Settlement and Other Documents

**Proposed Settlement \***

Settlement Ag... 240202.pdf

**Other Attachment (if any)**

Gillespie v. Pl...al 240208.pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Friday, March 2 , 2024 : 8 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact [support@langtech.com](mailto:support@langtech.com) if in doubt.

0 /29/2024 0 : :22 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: <https://url.us.m.mimecastprotect.com/s/Ak9WCn5l R g 4S9zUIR>

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Scott

Your Last Name \*

Gordon

Your Email Address \*

sgordon@schneiderwallac

Your Street Name, Number and Suite/Apt \*

2000 Powell Street, Suite 1

Your Mobile Phone Number

Your City \*

Emeryville

Your Work Phone Number

4154217100

Your State \*

California

Your Zip/Postal Code \*

94608

#### Court and Hearing Information

Court \*

Tulare County Superior Co

Court Case Number \*

VCU285376

Hearing Date (if any)

April 23, 2024

Hearing Time

8:30 am

Hearing Location

Dept. 2

Number of aggrieved employees \*

1402



Gross settlement amount \*

10000000

Gross penalty amount \*

100000

Penalties to LWDA \*

75000

Date of proposed settlement \*

03/28/2024

Proposed Settlement and Other Documents

Proposed Settlement \*

Amendment t... executed.pdf

Other Attachment (if any)

Decl of SLG (no exhibits).pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

# **Exhibit**

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Thursday, February 8, 2024 5:10 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact [support@langtech.com](mailto:support@langtech.com) if in doubt.

02/08/2024 05:09:0 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://protect-us.mimecast.com/s/hhdUC9r\\_9fkxm\\_yTo\\_bSR](https://protect-us.mimecast.com/s/hhdUC9r_9fkxm_yTo_bSR)

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Your Last Name \*

Your Email Address \*

Your Street Name, Number and Suite/Apt \*

Your Mobile Phone Number

Your City \*

Your Work Phone Number

Your State \*

Your Zip/Postal Code \*

### Court and Hearing Information

**Court \***

Tulare County Superior Co

**Court Case Number \***

VCU285376

**Hearing Date (if any)**

March 12, 2024

**Hearing Time**

8:30 am

**Hearing Location**

7

**Number of aggrieved employees \***

1402

**Gross settlement amount \***

10000000

**Gross penalty amount \***

100000

**Penalties to LWDA \***

75000

**Date of proposed settlement \***

02/02/2024

### Proposed Settlement and Other Documents

**Proposed Settlement \***

Settlement Ag... 240202.pdf

**Other Attachment (if any)**

Gillespie v. Pl...al 240208.pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Friday, March 2, 2024, 4:40 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact [support@langtech.com](mailto:support@langtech.com) if in doubt.

0 /29/2024 0 : 9:2 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://url.us.m.mimecastprotect.com/s/bobrCZ\\_gr8S5A\\_yAiz\\_Egx](https://url.us.m.mimecastprotect.com/s/bobrCZ_gr8S5A_yAiz_Egx)

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

**This field is required.**

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".

[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Scott

Your Last Name \*

Gordon

Your Email Address \*

sgordon@schneiderwallac

Your Street Name, Number and Suite/Apt \*

2000 Powell Street, Suite 1

Your Mobile Phone Number

Your City \*

Emeryville

Your Work Phone Number

4154217100

Your State \*

California

Your Zip/Postal Code \*

94608

#### Court and Hearing Information

Court \*

Tulare County Superior Co

Court Case Number \*

VCU285376

Hearing Date (if any)

April 23, 2024

Hearing Time

8:30 am

Hearing Location

Dept. 2

Number of aggrieved employees \*

1402

Gross settlement amount \*

10000000

Gross penalty amount \*

100000

Penalties to LWDA \*

75000

Date of proposed settlement \*

03/28/2024

Proposed Settlement and Other Documents

Proposed Settlement \*

Choose File Amendment t... executed.pdf

Other Attachment (if any)

Choose File Decl of SLG (no exhibits).pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

Previous Page

Submit



# **Exhibit**

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Thursday, February 8, 2024 5:14 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact support@langtech.com if in doubt.

02/08/2024 05:1 :12 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: <https://protect-us.mimecast.com/s/qvZaCADrK fN 9yMiGaRos>

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Scott

Your Last Name \*

Gordon

Your Email Address \*

sgordon@schneiderwallac

Your Street Name, Number and Suite/Apt \*

2000 Powell Street, Suite 1

Your Mobile Phone Number

Your City \*

Emeryville

Your Work Phone Number

4154217100

Your State \*

California

Your Zip/Postal Code \*

94608

### Court and Hearing Information

**Court \***

Tulare County Superior Co

**Court Case Number \***

VCU285376

**Hearing Date (if any)**

March 12, 2024

**Hearing Time**

8:30 am

**Hearing Location**

Dept. 7

**Number of aggrieved employees \***

1402

**Gross settlement amount \***

10000000

**Gross penalty amount \***

100000

**Penalties to LWDA \***

75000

**Date of proposed settlement \***

02/02/2024

### Proposed Settlement and Other Documents

**Proposed Settlement \***

Settlement Ag... 240202.pdf

**Other Attachment (if any)**

Gillespie v. Pl...al 240208.pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Friday, March 2 , 2024 :42 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact [support@langtech.com](mailto:support@langtech.com) if in doubt.

0 /29/2024 0 :41: PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: <https://url.us.m.mimecastprotect.com/s/9dMC8MKWSrwx8Sprq1>

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Scott

Your Last Name \*

Gordon

Your Email Address \*

sgordon@schneiderwallac

Your Street Name, Number and Suite/Apt \*

2000 Powell Street, Suite 1

Your Mobile Phone Number

Your City \*

Emeryville

Your Work Phone Number

4154217100

Your State \*

California

Your Zip/Postal Code \*

94608

#### Court and Hearing Information

Court \*

Tulare County Superior Co

Court Case Number \*

VCU285376

Hearing Date (if any)

April 23, 2024

Hearing Time

8:30 am

Hearing Location

Dept. 2

Number of aggrieved employees \*

1402

Gross settlement amount \*

10000000

Gross penalty amount \*

100000

Penalties to LWDA \*

75000

Date of proposed settlement \*

03/28/2024

Proposed Settlement and Other Documents

Proposed Settlement \*

Choose File Amendment t... executed.pdf

Other Attachment (if any)

Choose File Decl of SLG (no exhibits).pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGInfo@dir.ca.gov](mailto:PAGInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.**

**I understand that, if I file, I must comply with the redaction rules consistent with this notice.**

Previous Page

Submit

# **Exhibit**



## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Thursday, February 8, 2024 5:1 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact [support@langtech.com](mailto:support@langtech.com) if in doubt.

02/08/2024 05:18:2 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://protect-us.mimecast.com/s/800cCZ\\_gr8S5xMZ9Czm9U](https://protect-us.mimecast.com/s/800cCZ_gr8S5xMZ9Czm9U)

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Your Last Name \*

Your Email Address \*

Your Street Name, Number and Suite/Apt \*

Your Mobile Phone Number

Your City \*

Your Work Phone Number

Your State \*

Your Zip/Postal Code \*

### Court and Hearing Information

**Court \***

Tulare County Superior Co

**Court Case Number \***

VCU285376

**Hearing Date (if any)**

March 12, 2024

**Hearing Time**

8:30 am

**Hearing Location**

Dept. 7

**Number of aggrieved employees \***

1402

**Gross settlement amount \***

10000000

**Gross penalty amount \***

100000

**Penalties to LWDA \***

75000

**Date of proposed settlement \***

02/02/2024

### Proposed Settlement and Other Documents

**Proposed Settlement \***

Settlement Ag... 240202.pdf

**Other Attachment (if any)**

Gillespie v. Pl...al 240208.pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Friday, March 2, 2024, 4:11 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact [support@langtech.com](mailto:support@langtech.com) if in doubt.

03/29/2024 04:11 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://url.us.m.mimecastprotect.com/s/9\\_u\\_C82gK\\_i\\_W4xrUno1ct](https://url.us.m.mimecastprotect.com/s/9_u_C82gK_i_W4xrUno1ct)

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Scott

Your Last Name \*

Gordon

Your Email Address \*

sgordon@schneiderwallac

Your Street Name, Number and Suite/Apt \*

2000 Powell Street, Suite 1

Your Mobile Phone Number

Your City \*

Emeryville

Your Work Phone Number

4154217100

Your State \*

California

Your Zip/Postal Code \*

94608

#### Court and Hearing Information

Court \*

Tulare County Superior Co

Court Case Number \*

VCU285376

Hearing Date (if any)

April 23, 2024

Hearing Time

8:30 am

Hearing Location

Dept. 2

Number of aggrieved employees \*

1402

Gross settlement amount \*

10000000

Gross penalty amount \*

100000

Penalties to LWDA \*

75000

Date of proposed settlement \*

03/28/2024

Proposed Settlement and Other Documents

Proposed Settlement \*

Choose File Amendment t... executed.pdf

Other Attachment (if any)

Choose File Decl of SLG (no exhibits).pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

Previous Page

Submit

# **Exhibit**

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Thursday, February 8, 2024 5:20 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact [support@langtech.com](mailto:support@langtech.com) if in doubt.

02/08/2024 05:19:44 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: <https://protect-us.mimecast.com/s/iDzrC4x2G> JN C aCfm



## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Scott

Your Last Name \*

Gordon

Your Email Address \*

sgordon@schneiderwallac

Your Street Name, Number and Suite/Apt \*

2000 Powell Street, Suite 1

Your Mobile Phone Number

Your City \*

Emeryville

Your Work Phone Number

4154217100

Your State \*

California

Your Zip/Postal Code \*

94608

Court and Hearing Information

Court \*

Tulare County Superior Co

Court Case Number \*

VCU285376

Hearing Date (if any)

March 12, 2024

Hearing Time

8:30 am

Hearing Location

Dept. 7

Number of aggrieved employees \*

1402

Gross settlement amount \*

10000000

Gross penalty amount \*

100000

Penalties to LWDA \*

75000

Date of proposed settlement \*

02/02/2024

Proposed Settlement and Other Documents

Proposed Settlement \*

Choose File Settlement Ag...) 240202.pdf

Other Attachment (if any)

Choose File Gillespie v. Pl...al 240208.pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

Previous Page

Please wait...

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Friday, March 2 , 2024 :45 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact support@langtech.com if in doubt.

0 /29/2024 0 :44:28 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://url.us.m.mimecastprotect.com/s/c\\_1UCgJyMpCAK\\_nDhNkzrr](https://url.us.m.mimecastprotect.com/s/c_1UCgJyMpCAK_nDhNkzrr)

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Scott

Your Last Name \*

Gordon

Your Email Address \*

sgordon@schneiderwallac

Your Street Name, Number and Suite/Apt \* Your Mobile Phone Number

2000 Powell Street, Suite 1

Your City \*

Emeryville

Your Work Phone Number

4154217100

Your State \*

California

Your Zip/Postal Code \*

94608

#### Court and Hearing Information

Court \*

Tulare County Superior Co

Court Case Number \*

VCU285376

Hearing Date (if any)

April 23, 2024

Hearing Time

8:30 am

Hearing Location

Dept. 2

Number of aggrieved employees \*

1402

Gross settlement amount \*

10000000

Gross penalty amount \*

100000

Penalties to LWDA \*

75000

Date of proposed settlement \*

03/28/2024

Proposed Settlement and Other Documents

Proposed Settlement \*

Choose File Amendment t... executed.pdf

Other Attachment (if any)

Choose File Decl of SLG (no exhibits).pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGInfo@dir.ca.gov](mailto:PAGInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

Previous Page

Submit

# **Exhibit**

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Thursday, February 8, 2024 5:22 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact support@langtech.com if in doubt.

02/08/2024 05:21:42 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://protect-us.mimecast.com/s/eAwC82gK\\_iRcnnq](https://protect-us.mimecast.com/s/eAwC82gK_iRcnnq)

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Scott

Your Last Name \*

Gordon

Your Email Address \*

sgordon@schneiderwallac

Your Street Name, Number and Suite/Apt \*

2000 Powell Street, Suite 1

Your Mobile Phone Number

Your City \*

Emeryville

Your Work Phone Number

4154217100

Your State \*

California

Your Zip/Postal Code \*

94608



### Court and Hearing Information

**Court \***

Tulare County Superior Co

**Court Case Number \***

VCU285376

**Hearing Date (if any)**

March 12, 2024

**Hearing Time**

8:30 am

**Hearing Location**

Dept. 7

**Number of aggrieved employees \***

1402

**Gross settlement amount \***

10000000

**Gross penalty amount \***

100000

**Penalties to LWDA \***

75000

**Date of proposed settlement \***

02/02/2024

### Proposed Settlement and Other Documents

**Proposed Settlement \***

Settlement Ag... 240202.pdf

**Other Attachment (if any)**

Gillespie v. Pl...al 240208.pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

## Scott L. Gordon

---

**From:** DIR PAGA Unit <lwdadonotreply@dir.ca.gov>  
**Sent:** Friday, March 2, 2024, 4:45 PM  
**To:** Scott L. Gordon  
**Subject:** Thank you for your Proposed Settlement Submission

Notice: This email originated from outside of the organization. Please use caution before opening any attached file you did not expect from the sender. Contact [support@langtech.com](mailto:support@langtech.com) if in doubt.

03/29/2024 04:45:45 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://url.us.m.mimecastprotect.com/s/a\\_ysCkRg\\_2C\\_AGZv\\_2yzR8](https://url.us.m.mimecastprotect.com/s/a_ysCkRg_2C_AGZv_2yzR8)

## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)

**The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.**

#### Your Information (Person Who is Filing)

Your First Name \*

Scott

Your Last Name \*

Gordon

Your Email Address \*

sgordon@schneiderwallac

Your Street Name, Number and Suite/Apt \* Your Mobile Phone Number

2000 Powell Street, Suite 1

Your City \*

Emeryville

Your Work Phone Number

4154217100

Your State \*

California

Your Zip/Postal Code \*

94608

#### Court and Hearing Information

Court \*

Tulare County Superior Co

Court Case Number \*

VCU285376

Hearing Date (if any)

April 23, 2024

Hearing Time

8:30 am

Hearing Location

Dept. 2

Number of aggrieved employees \*

1402

Gross settlement amount \*

10000000

Gross penalty amount \*

100000

Penalties to LWDA \*

75000

Date of proposed settlement \*

03/28/2024

Proposed Settlement and Other Documents

Proposed Settlement \*

Choose File Amendment t... executed.pdf

Other Attachment (if any)

Choose File Decl of SLG (no exhibits).pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGInfo@dir.ca.gov](mailto:PAGInfo@dir.ca.gov)

**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY:** All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

Previous Page

Submit