

FILED  
ALAMEDA COUNTY

OCT 12 2023

CLERK OF THE SUPERIOR COURT  
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8  
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF ALAMEDA

12 EDITH BOATMAN, individually, and on behalf  
of all others similarly situated,

13 *Plaintiff,*

14 vs.

15 CLAUSEN HOUSE, a California corporation;  
16 and DOES 1 through 10, inclusive,

17 *Defendants.*

Case No.: 22CV006470

[Assigned for all purposes: Hon. Brad Seligman]

CLASS ACTION

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

**Reservation Id: A-06470-001**

Date: October 10, 2023  
Time: 3:00 p.m.  
Courtroom: Dept. 23  
Judge: Hon. Brad Seligman

Action Filed: February 3, 2022  
Trial Date: Not Set

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

2 Plaintiff filed a motion for final approval of a class action settlement of the claims asserted  
3 against Defendant in this action. Following the October 10, 2023 hearing, the Court issued an Order  
4 granting Plaintiff's motion for final approval of a proposed class and representative action settlement of  
5 the claims asserted against Defendant in this action ("Final Approval Order"). The settlement is  
6 memorialized in the FIRST AMENDED CLASS ACTION AND PAGA SETTLEMENT  
7 AGREEMENT. (See Declaration of H. Scott Leviant In Support of Plaintiffs' Motion for Final Approval  
8 of Class and Representative Action Settlement ["Leviant Decl."], at Exh. 1).

9 The FIRST AMENDED CLASS ACTION AND PAGA SETTLEMENT AGREEMENT AND  
10 CLASS NOTICE is referred to herein as the "Settlement."

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

14  
15 **JUDGMENT**

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

19 The Class Members are:

20 All current and former non-exempt employees who worked for Defendant in  
21 California during the Class Period (the "Class Period" is February 3, 2018 through  
22 December 31, 2022.) "Participating Class Members" are those Class Members who do  
not submit timely exclusion requests to the Settlement Administrator. (Agreement, ¶  
1.35.)

23 No Class Member timely requested exclusion from the Class. All Class Members are Participating Class  
24 Members and remain bound by the Final Approval Order and this Judgment in the Action.

25 The following persons are certified as Aggrieved Employees solely for the purpose of entering a  
26 settlement in this matter:

27 [T]hose current and former non-exempt employees who worked for Defendant  
28 in California on or after February 3, 2021 to Court approval of the PAGA settlement.  
(Agreement, ¶ 1.4.)

1 Class Members who are Aggrieved Employees cannot opt out of the release of the PAGA claims and  
2 will therefore receive a share of the \$6,000, irrespective of whether they are Participating Class  
3 Members.

4 Class and PAGA claims are released as follows:

5 Release by Participating Class Members: All Participating Class Members, on behalf of  
6 themselves and their respective former and present representatives, agents, attorneys,  
7 heirs, administrators, successors, and assigns, release Released Parties from (i) all  
8 claims that were alleged, or reasonably could have been alleged, based on the Class  
9 Period facts stated in the Operative Complaint, including:

- 10 a. Failure to Pay Minimum Wages [Cal. Lab. Code §§ 204, 1194, 1194.2, and  
11 1197];
- 12 b. Failure to Pay Overtime Compensation [Cal. Lab. Code §§ 1194 and 1198];
- 13 c. Failure to Provide Meal Periods [Cal. Lab. Code §§ 226.7, 512];
- 14 d. Failure to Authorize and Permit Rest Breaks [Cal. Lab. Code §§ 226.7];
- 15 e. Failure to Indemnify Necessary Business Expenses [Cal. Lab. Code § 2802];
- 16 f. Failure to Timely Pay Final Wages at Termination [Cal. Lab. Code §§ 201-  
17 203];
- 18 g. Failure to Provide Accurate Itemized Wage Statements [Cal. Lab. Code §  
19 226];
- 20 h. Unfair Business Practices [Cal. Bus. & Prof. Code §§ 17200, et seq.]; and

21 Except as set forth in Section 5.3 of [the] Agreement, Participating Class  
22 Members do not release any other claims, including claims for vested benefits,  
23 wrongful termination, violation of the Fair Employment and Housing Act,  
24 unemployment insurance, disability, social security, workers' compensation, or  
25 claims based on facts occurring outside the Class Period.

26 Release by Aggrieved Employees: All Aggrieved Employees are deemed to release, on  
27 behalf of themselves and their respective former and present representatives, agents,  
28 attorneys, heirs, administrators, successors, and assigns, the Released Parties from all  
claims for PAGA penalties that were alleged, or reasonably could have been alleged,  
based on the PAGA Period facts stated in the [First Amended] Complaint and the  
PAGA Notice attached [to the Agreement as] Exhibit B.

“Released Parties” means: Defendant and each of its former and present directors,  
officers, shareholders, owners, members, attorneys, insurers, predecessors, successors,  
assigns, subsidiaries, or affiliates.

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

Pursuant to California Code of Civil Procedure Section 664.6 and Rule 3.769(h) of the California


1 Rules of Court, this Court reserves exclusive and continuing jurisdiction over this action, the Plaintiffs,  
2 Class Members, and Defendant, for the purposes of:

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

7  
8 **IT IS SO ORDERED.**

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10 Dated: 10/12/23

  
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11 Hon. Brad Seligman  
12 ALAMEDA SUPERIOR COURT JUDGE  
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| <b>SUPERIOR COURT OF CALIFORNIA<br/>COUNTY OF ALAMEDA</b>                                   | Reserved for Clerk's File Stamp   |
| COURTHOUSE ADDRESS:<br>Rene C. Davidson Courthouse<br>1225 Fallon Street, Oakland, CA 94612 | <b>FILED</b><br>Superior Court of California<br>County of Alameda<br>10/17/2023<br>Chad Finke, Executive Officer / Clerk of the Court |
| PLAINTIFF/PETITIONER:<br>Edith Boatman  | By:  Deputy  |
| DEFENDANT/RESPONDENT:<br>CLAUSEN HOUSE, a California corporation;                           | A. Hewitt   |
| <b>CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL<br/>PROCEDURE 1010.6</b>                 | CASE NUMBER:<br>22CV006470  |

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Judgment Following Order Granting Final Approval of Class and Representative Action Settlement entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Kane Moon  
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Keith Chrestionson  
Fox Rothschild LLP  
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Dated: 10/17/2023

Chad Finke, Executive Officer / Clerk of the Court

By:



A. Hewitt, Deputy Clerk