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8 Attorneys for Plaintiff DAISY HERNANDEZ,
9 individually and on behalf of others similarly situated

FILED
Superior Court of California
County of Los Angeles

03/14/2024

David W. Slayton, Executive Officer / Clerk of Court

By: T. Lewis Deputy

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**
12 **(SPRING STREET COURTHOUSE)**

13 DAISY HERNANDEZ, individually and on
14 behalf of others similarly situated,

15 Plaintiff,

16 vs.

17 OXGORD INCORPORATED,
18 LYNEER STAFFING SOLUTIONS, LLC, and
DOES 1 through 50,

19 Defendants.
20

) CASE NO.: 19STCV43133

) CLASS ACTION

) Assigned For All Purposes To:
) Judge: Hon. David S. Cunningham III
) Dept.: 11

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER REGARDING PRELIMINARY**
) **APPROVAL OF CLASS ACTION AND**
) **PAGA SETTLEMENT**

) Complaint Filed: December 3, 2019

21
22 Plaintiff Daisy Hernandez (“Plaintiff”) and Defendant Lyneer Staffing Solutions, LLC
23 (“Lyneer”) (collectively the “Parties”) stipulate and request an order as follows:

24 WHEREAS, on February 7, 2024, the Court granted preliminary approval of the class and
25 PAGA settlement upon the terms and conditions set forth in the Class Action And PAGA
26 Settlement Agreement And Settlement Notice (“Settlement Agreement” or “Agreement”), a copy
27 of which was submitted on August 9, 2023 as Exhibit 1 to the Declaration of Justian Jusuf in
28

1 support of Plaintiffs’ motion for preliminary approval of the settlement, as amended by the
2 Amendment To Class Action And PAGA Settlement Agreement And Settlement Notice, a copy of
3 which was submitted on January 12, 2024 as Exhibit 1 to the Supplemental Declaration of Justian
4 Jusuf.

5 WHEREAS, in the process of preparing the Notice of Class and PAGA Settlement, it was
6 discovered that the Settlement Agreement contains a typographical error regarding how the Net
7 Settlement Fund is to be allocated to the Participating Class Members. (The Settlement
8 Agreement inadvertently states the Net Settlement Fund is to be allocated based on the number of
9 Participating Class Members, as supposed to their respective Workweeks during the Class Period.)

10 WHEREAS, the Parties have agreed to correct the error by way of the Second Amendment
11 To Class Action And PAGA Settlement, a copy of which is attached hereto as Exhibit A, for the
12 purpose of correcting the error and clarifying that the Net Settlement Fund is to be allocated to
13 Participating Class Members based on their Class Period Workweeks.

14 THEREFORE, IT IS STIPULATED BY THE PARTIES THROUGH THEIR
15 RESPECTIVE COUNSEL OF RECORD, that the Court approve the Second Amendment to the
16 Settlement Agreement.

17 IT IS FURTHER STIPULATED, that the previously set March 7, 2024 deadline for the
18 Settlement Administrator to mail the Notice of Class and PAGA Settlement, and the previously set
19 April 22, 2024 deadline for Class Members to request for exclusion are hereby vacated.

20 IT IS FURTHER STIPULATED, that the Settlement Administrator shall mail the Notice
21 of Class and PAGA Settlement to the Class Members and Aggrieved Employees within 14
22 (fourteen) calendar days of the entry of this Order, and the deadline for Class Members to request
23 exclusion shall be calculated based on the mailing date of the Notice and consistent with the
24 Settlement Agreement. All other dates in the order to remain the same.


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1 IT IS FURTHER STIPULATED, that the Notice of Class and PAGA Settlement shall be
2 updated consistent with this Order.

3 **IT IS SO STIPULATED.**

4 Dated: ~~February~~ ^{March 7} __, 2024

LAW OFFICE OF JUSTIAN JUSUF, APC

5 By: 
Justian Jusuf

6 Attorney for Plaintiff Daisy Hernandez,
7 individually and on behalf of others similarly
8 situated

9 Dated: ~~February~~ ^{March 8,} __, 2024

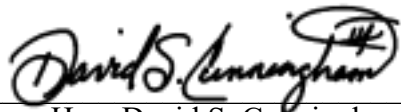
STACEY COOPER LAW, P.C.

10 By: 
Stacey M. Cooper

11 Attorneys for Defendant Lyneer Staffing
12 Solutions, LLC

13 **IT IS SO ORDERED.**

14 Dated: 03/14/2024


15 Hon. David S. Cunningham III
16 Judge of the Superior Court

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Exhibit A

**SECOND AMENDMENT TO
CLASS ACTION AND PAGA SETTLEMENT AGREEMENT**

WHEREAS, Plaintiff Daisy Hernandez (“Plaintiff”) and Defendant Lyneer Staffing Solutions, LLC (“Defendant”) (collectively the “Parties”) have entered into a Class Action Settlement Agreement (“Agreement”), a copy of which was submitted to the Court for review on August 9, 2023 as Exhibit 1 to the Declaration of Justian Jusuf in support of preliminary approval of the Settlement.

WHEREAS, on November 1, 2023, the Court issued a Checklist For Preliminary Approval Of Class Action Settlement (“Checklist”) regarding the Settlement Agreement.

WHEREAS, on January 12, 2024, Plaintiff submitted a Supplemental Brief in Support of Preliminary Approval of the Settlement, including an Amendment to the Settlement Agreement, to address the issues raised in the Checklist.

WHEREAS, on February 7, 2024, the Court granted preliminary approval of the Settlement.

WHEREAS, in the process of preparing the Notice of Class and PAGA Settlement, it was discovered that the Settlement Agreement contains a typographical error regarding how the Net Settlement Fund is to be allocated to the Participating Class Members. (The Settlement Agreement inadvertently states the Net Settlement Fund is to be allocated based on the number of Participating Class Members, as supposed to their respective Workweeks during the Class Period.)

WHEREAS, the Parties have agreed to amend the Settlement Agreement to correct the typographical error regarding the distribution of the Net Settlement Fund to the Participating Class Members.

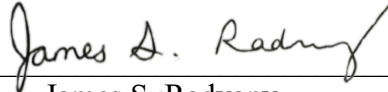
THEREFORE, the Parties hereby agree that notwithstanding any provisions in the Agreement, the Net Settlement Fund shall be allocated to the Participating Class Members based on their Class Period Workweeks.

AGREED.

Dated:

3/6/2024

DEFENDANT LYNEER STAFFING SOLUTIONS, LLC



By: James S. Radvany

Its: Chief Financial Officer and authorized representative

Dated: 2/27/2024

PLAINTIFF

DocuSigned by:



4CCDFA942DF4428...

Daisy Hernandez

///

APPROVED AS TO FORM.

Dated:

STACEY COOPER LAW, P.C.

Stacey M. Cooper

By: Stacey Cooper
Attorneys for Lyneer Staffing Solutions, LLC

Dated: 2/27/2024

LAW OFFICE OF JUSTIAN JUSUF, APC
LAW OFFICES OF SAHAG MAJARIAN II

Justian Jusuf

DocuSigned by:
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By: Justian Jusuf
Sahag Majarian II
Attorney for Plaintiff Daisy Hernandez

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PROOF OF SERVICE

I am over 18 years of age and not a party to this action. I am employed in the County of Orange. My business address is Law Office of Justian Jusuf, 17011 Beach Blvd., Suite 900, Huntington Beach, CA 92647. On the date stated below, I electronically served a copy of the following document(s) via CASE ANYWHERE:

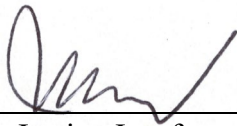
STIPULATION AND [PROPOSED] ORDER REGARDING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

The names, contact information, and email addresses of person(s) served:

PLEASE SEE ATTACHED SERVICE LIST

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

Date: March 8, 2024



Justian Jusuf

Case Anywhere Electronic Service List

Case Name: **Hernandez, et al. v. OxGord Incorporated, et al.**

Case Info: **19STCV43133, Los Angeles Superior Court**

Law Office of Aryeh Kaufman

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Phone: (619) 673-5022

Representing:

Lyneer Staffing Solutions, LLC

The Service List is compiled from information provided to Case Anywhere and is not independently reviewed for accuracy.

Only attorneys are listed. Other authorized users may also receive case notifications by email.