

**CERTIFIED COPY**

1 Robert W. Ottinger (SBN 156825)  
2 robert@ottingerlaw.com  
3 **THE OTTINGER FIRM, P.C.**  
4 535 Mission Street, 14<sup>th</sup> Floor  
5 San Francisco, CA 94133  
6 Tel: (415) 325-2088  
7 Fax: (212) 571-0505

8 *Attorneys for Plaintiffs*

9 Ellen C. Arabian-Lee (SBN 151615)  
10 ellen@arabian-lee.com  
11 **ARABIAN-LEE LAW CORPORATION**  
12 2999 Douglas Blvd., Suite 180  
13 Roseville, CA 95661  
14 Tel: (916) 242-8662

15 *Attorneys for Defendants*

**FILED**

SEP 25 2023  
EL DORADO CO. SUPERIOR COURT  
BY [Signature]  
(DEPUTY CLERK)

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF EL DORADO**

13 AMY BUGAISKI, individually; and  
14 KIMBERLY GARDNER, individually; and on  
15 behalf of all others similarly situated,

16 Plaintiff,

17 vs.

18 ON A FRIDAY, INC. d/b/a SONNEY'S BBQ  
19 SHACK; SONNEY BRUNING, an individual  
20 and DOES 1-10, inclusive,

21 Defendants.

Case No. SC20190161

~~PROPOSED~~ ORDER AND JUDGMENT  
GRANTING PLAINTIFFS' MOTION FOR  
FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT

Date: September 15, 2023  
Time: 1:30 p.m.  
Dept: 4

**ELECTRONICALLY RECEIVED**

Superior Court of California,  
County of El Dorado  
08/24/2023 at 11:16:34 AM

By: Wendy Warden, Deputy Clerk

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

2 Plaintiffs' Motion For Final Approval of Class Action Settlement came before this Court in  
3 Department 4 on September 15, 2023. The Court having considered the papers submitted in support of  
4 the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. All terms used herein shall have the same meaning as defined in the Class Action and PAGA  
6 Representative Settlement Agreement and Release ("Settlement").

7 2. Consistent with the terms of the Settlement, the Class is defined as "all individuals who are  
8 or previously were employed by Defendants in California as non-exempt employees at any time during  
9 the Class Period," with the "Class Period" defined as September 11, 2015 through June 30, 2021.  
10 (Settlement, ¶ I.8). PAGA Settlement Group Members is defined as "all current and former hourly and/or  
11 non-exempt employees of Defendants in California at any time during the PAGA Period," or January  
12 17, 2019 through June 30, 2021. (Settlement, ¶ IV.49).

13 3. The Court has jurisdiction over the subject matter of this Action and over all Parties to this  
14 Action, including Class Members and PAGA Settlement Group Members.

15 4. The Court finds the Class is properly certified as a class for settlement purposes only.

16 5. The Notice provided to Class Members/PAGA Settlement Group Members conforms with  
17 the requirements of California Code of Civil Procedure § 382, California Civil Code § 1781, California  
18 Rules of Court 3.766, 3.769, the California and United States Constitutions, and any other applicable  
19 law, and constitutes the best notice practicable under the circumstances, by providing individual notice  
20 to all Class Members and PAGA Settlement Group Members who could be identified through reasonable  
21 effort, and by providing due and adequate notice of the proceedings and of the matters set forth therein  
22 to the other Class Members and PAGA Settlement Group Members. The Notice fully satisfied the  
23 requirements of due process.

24 6. The Court finds the Settlement was entered into in good faith, that the Settlement is fair,  
25 reasonable, and adequate, and that the Settlement satisfies the standards and applicable requirements for  
26 final approval of this class action settlement under California law, including the provisions of California  
27 Code of Civil Procedure § 382 and California Rule of Court 3.769.

28 7. No Class Members or PAGA Settlement Group Members have objected to the terms of the

1 Settlement.

2 8. No Class Members or PAGA Settlement Group Members have requested exclusion from the  
3 Settlement.

4 9. Upon entry of this Final Approval Order and Judgment, the Claims Administrator shall  
5 distribute individual Settlement Awards to Class Members and PAGA Settlement Group Members  
6 pursuant to the terms of the Settlement.

7 10. In addition to any recovery that Plaintiffs may receive under the Settlement as Class Members  
8 and PAGA Settlement Group Members, and in recognition of their efforts on behalf of the Class, the  
9 Court hereby approves the Incentive Awards in the amount of \$20,000.00 for each of the Plaintiffs.

10 11. The Court approves an attorneys' fees and costs award to Class Counsel in the sums of  
11 \$76,666.67 for attorneys' fees, and \$6,311.19 for litigation costs.

12 12. The Court approves and orders payment of Claims Administration Costs in the amount of  
13 \$14,000.00 to CPT Group for performance of its services as the Settlement Administrator.

14 13. The Court approves the PAGA Payment of \$10,000.00, of which \$7,500.00 is to be paid to  
15 the Labor and Workforce Development Agency. The remaining \$2,500.00 shall be paid to the PAGA  
16 Settlement Group Members on a pro rata basis per pay periods worked during the PAGA Period pursuant  
17 to the terms of the Settlement.

18 14. The Claims Administrator shall distribute all funds not cashed by Class Members or PAGA  
19 Settlement Group Members within 180 days after the last mailing to the California State Controller's  
20 Office Unclaimed Property Fund. (Settlement, ¶ 58).

21 15. Upon completion of administration of the Settlement, the Parties shall file a declaration  
22 from the Claims Administrator stating that all claims have been paid and that the terms of the  
23 Settlement have been completed. There will be a Final Accounting Hearing on 3/22, 2024, at  
24 1:30 ~~pm~~ (p.m.) in Department 4 of this Court. This will be a non-appearance date if a declaration  
25 from the Claims Administrator is submitted at least 16 court days in advance of the hearing  
26 date.

27 16. This Final Approval Order and Judgment is intended to be a final disposition of the Action  
28 in its entirety and is intended to be immediately appealable.

1 17. This Court shall retain jurisdiction pursuant to California Rules of Court 3.769(h) with  
2 respect to all matters related to the administration and consummation of the Settlement, and any and  
3 all claims, asserted in, arising out of, or related to the subject matter of the Action, including but not  
4 limited to all matters related to the Settlement and the determination of all controversies relating  
5 thereto.

6 18. This document shall constitute an order and judgment for purposes of California Rule of  
7 Court 3.769(h).

8  
9 **IT IS SO ORDERED.**

10  
11  
12 Dated: 9/25/23



HONORABLE JUDGE OF THE **Leanne K. Mayberry**  
EL DORADO COUNTY SUPERIOR COURT

13  
14  
15  
16  
17  
18  
19  
20  
21 This is a true certified copy of the  
22 records, if it bears the seal, imprinted  
23 in purple ink, the date of issuance and  
24 an original signature.

25 El Dorado County, California

26 By   
27 Deputy Clerk

