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14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 OMAR ZINE, individually, and on behalf of
 17 other members of the general public similarly
 situated,

18 Plaintiff,

19 vs.

20 NESPRESSO USA, INC., a Delaware
 corporation; and DOES 1 through 10, inclusive,

21 Defendants.

22 WILLIAM BABER, an individual, on behalf of
 23 himself and all others similarly situated and
 aggrieved,

24 Plaintiff,

25 vs.

26 NESPRESSO USA, INC., a Delaware
 corporation; NESTLE USA, INC., a Delaware
 corporation; and DOES 1 through 100, inclusive,

27 Defendants.
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Case No.: 3:20-cv-05144-SK
 Consolidated with 3:21-cv-00487-JSC

Assigned to the Hon. Sallie Kim

JUDGMENT

Date: May 8, 2023
 Time: 9:30 a.m.
 Place: Courtroom C

JUDGMENT

Pursuant to the Order Granting the Motion for Final Approval of the Class Action and PAGA Settlement (“Order”), it is hereby **ORDERED**:

1. Judgment in this matter is entered in accordance with, and incorporates by reference the findings of, the Court’s Order and the Joint Stipulation of Class Action and PAGA Settlement and Release (“Settlement Agreement”). Unless otherwise provided herein, all capitalized terms used herein shall have the same meaning as defined in the Settlement Agreement.

2. This Judgment shall be binding on: All persons employed in California by Defendant as non-exempt employees at any time during the period from June 3, 2016 through January 4, 2022. These Participating Class Members have released and forever discharged the Released Parties for any and all Released Class Claims:

All claims asserted in the Actions, reasonably arising from or related to the facts and claims alleged in the Actions, or that reasonably could have been raised in the Actions based on the facts and claims alleged in the operative civil complaints for each Action and all amendments thereto, including all claims for unpaid wages, minimum wage, overtime compensation, double-time compensation, and interest; the calculation of the regular rate of pay for overtime or for any purpose; meal period and rest-period premiums, including failure to pay premiums at the regular rate of compensation; reimbursement for all necessary business expenses; payment for all time spent in connection with security checks and all hours worked, including off-the-clock and unrecorded work; failure to pay vacation and paid time off upon termination; failure to provide accurate and timely wage statements; unfair business practices; penalties, including, but not be limited to, civil penalties, statutory penalties, recordkeeping penalties, and waiting-time penalties; and attorneys’ fees and costs; all claims related to the Released Claims arising under: the California Labor Code (including, but not limited to, sections 200, 201, 202, 203, 204, 210, 218.5, 226, 226.3, 226.7, 227.3, 500, 510, 512, 516, 558, 558.1, 1174, 1174.5, 1182.12, 1185, 1194, 1194.2, 1197, 1197.1, 1198, 1199, 2800, and 2802), the Wage Orders of the California Industrial Welfare Commission; California Business and Professions Code section 17200, *et seq.* This release excludes the release of claims not permitted by law.

3. Additionally, all PAGA Members and the LWDA have released and forever discharged the Released Parties for any and all Released PAGA Claims: All claims asserted through California Labor Code §§ 2698, *et seq.*, that reasonably arise out of, or are related to, the Released Class Claims during the PAGA Period.

4. Without affecting the finality of the Judgment, the Court shall retain exclusive and continuing jurisdiction over the above-captioned action and the parties, including all Class Members and

1 PAGA Members, for purposes of enforcing the terms of the Judgment entered herein.

2 5. Parties are ORDERED to appear for a hearing regarding post-distribution accounting on
3 December 4, 2023 at 9:30 am. Parties will file a report regarding post-distribution accounting by
4 November 27, 2023.

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6 **IT IS SO ORDERED.**

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8 Dated: May 8, 2023



Hon. Sallie Kim
United States Magistrate Judge

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