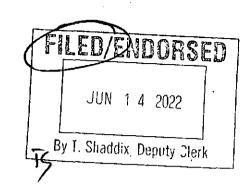
MAKAREM & ASSOCIATES, APLC Ronald W. Makarem, Esq. (SBN 180442) 2 makarem@law-rm.com William A. Baird, Esq. (SBN 192675) 3 baird@law-rm.com Daniel J. Bass, Esq. (SBN 287466) bass@law-rm.com 11601 Wilshire Boulevard, Suite 2440 5 Los Angeles, California 90025-1760 Phone: (310) 312-0299; Fax: (310) 312-0296 6 Attorneys for Plaintiff Christie Winston individually 7 and on behalf of all others similarly situated 8 9 10 11 12 Plaintiff. 13 14 15 16 through 20 inclusive, 17



SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

CHRISTIE WINSTON, individually and on behalf of all others similarly situated,

EXECAP, INC., a California Limited Liability Corporation, EXECUTIVE AUTOPILOTS, INC., a California Corporation, ANDREY KALCHENKO, an individual, and DOES 1

Defendants.

Case No.: 34-2018-00234725-CU-OE-GDS

[PROPOSED] ORDER AND JUDGMENT RE: PLAINTIFF'S MOTION FOR FINAL APPROVAL OF **CLASS ACTION SETTLEMENT:**

BY FAX

Date: May 18, 2022

Time: 1:30 p.m.

Dept:

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Res. No: 2635976

Complaint Filed: June 13, 2018 None

Trial Date:

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This matter came on for hearing on May 18, 2022 at 1:30 p.m., in Department 25 of the above-entitled court located at 720 9th Street, Sacramento, California, 95814 regarding Plaintiff's Motion for Final Approval of Class Action Settlement. Having fully reviewed and considered the moving papers, and having analyzed the Class Action Settlement Agreement ("Settlement Agreement") as modified by the Parties' Class Action Settlement Agreement Addendum ("Addendum") between Plaintiff Christie Winston ("Plaintiff") and Defendants EXECAP, INC., a California Limited Liability Corporation, EXECUTIVE AUTOPILOTS, INC., a California Corporation, ANDREY KALCHENKO, and individual (collectively "Defendants"), attached as Exhibits A-B to the Declaration of Daniel Bass, THIS COURT HEREBY MAKES THE FOLLOWING ORDERS:

- 1. This Order and Judgment incorporates by reference the definitions in the Settlement Agreement, which, together with the exhibit attached thereto, sets forth the terms and conditions for a proposed settlement of and judgment in the Action, and all terms defined therein shall have the same meaning in this Order as set forth in the Settlement Agreement.
- 2. The Court has jurisdiction over Plaintiff and Defendants and the subject matter of the action.
- 3. The Court hereby GRANTS judgment and final approval of the Settlement in the Gross Settlement Amount of \$75,000 upon the terms and conditions set forth in the Settlement Agreement as modified by the Parties' Addendum finding it to be fair, reasonable, and adequate.
- 4. The Court has determined that the Notice fully and accurately informed all Class Members of the material elements of the Settlement, constituted the best notice practicable under the circumstances, and constituted valid, due, and sufficient notice to all Class Members.
- 5. Because no valid objections were filed to the Settlement, the Effective Date means sixty (60) days after the date this Court enters this Final Approval Order and Judgment. Defendants are directed to provide payment to the Settlement Administrator in accordance with the terms of the Settlement Agreement as modified by the Parties' Addendum.
- 6. This Court approves an award of attorneys' fees in the amount of \$20,000, and costs in the amount of \$4,350. The Court further approves a Class Representative Enhancement Award 4814-4130-2610.1

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of \$5,000 to Plaintiff. Distribution of these amounts shall be made in accordance with the terms of the Settlement Agreement as modified by the Parties' Addendum.

- 7. The Court approves settlement administration costs in the amount of \$8,000 and authorizes the Settlement Administrator to pay itself this amount from the Gross Settlement Amount in accordance with the terms of the Settlement Agreement as modified by the Parties' Addendum.
- 8. The Court approves allocation of Two Thousand Dollars (\$2,000.00) to the release of the PAGA claim. From that allocation, the Settlement Administrator shall make the PAGA Payment to the California Labor and Workforce Development Agency in the amount of One Thousand Five Hundred Dollars (\$1,500.00). The PAGA Payment will be paid from the Gross Settlement Amount within fourteen (14) calendar days after Defendants provide funds to the Settlement Administrator for disbursement under this Agreement. The remaining Five Hundred Dollars (\$500) will be paid to the class.
- 9. The Court approves distribution of the Net Settlement Amount to the participating Class Members in accordance with the terms of the Settlement Agreement as modified by the Parties' Addendum.
- 10. As no Class Member submitted a request to be excluded from the Settlement upon the filing of this Order Granting Final Approval and Judgment, Participating Class Members will be deemed to have released the Released Parties from the Released Claims, as set forth in the Settlement Agreement as modified by the Parties' Addendum. Class Members who did not object to the Settlement as of the time of the Final Approval Hearing are barred from prosecuting or pursuing any objection to the Settlement or appeal of this Order Granting Final Approval and Judgment.
- 11. If the Settlement does not become final and effective in accordance with the terms of the Settlement Agreement as modified by the Parties' Addendum, any and all orders entered in connection herewith shall be rendered null and void and shall be vacated.
- 12. Neither this Order Granting Final Approval and Judgment nor the Settlement shall constitute an admission by Defendants of any liability or wrongdoing whatsoever, nor is this Order 4814-4130-2610.1

Granting Final Approval and Judgment a finding of the validity or invalidity of any of the claims in the action or a finding of wrongdoing by Defendants herein.

- 13. Each of the parties will bear their own attorneys' fees and costs, except as provided for in the Settlement.
- 14. By signing and filing this Order Granting Final Approval and Judgment, the Court decrees that, as of the Effective Date, the Participating Class Members shall be conclusively deemed to have released and forever discharged the Released Parties form all Released Claims. This release bars Participating Class Members from asserting any of the Released Claims in any action or proceeding against any of the Released Parties.
- 15. Without affecting the finality of this Order Granting Final Approval and Judgment in any way, the Court reserves exclusive and continuing jurisdiction over the action for purposes of supervising the implementation, enforcement, construction, administration, and effectuation of the Settlement.

IT IS SO ORDERED.

Dated: 6/14/22 , 2022

Judge of the Superior Court

JILL H. TALLEY

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