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**FILED**  
Superior Court of California  
County of Los Angeles  
01/14/2022  
Sherri R. Carter, Executive Officer / Clerk of Court  
By:           M. Cervantes           Deputy

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11 Attorneys for Plaintiffs Randy Torres, Christina Torres and the Putative Class

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**  
15 **UNLIMITED JURISDICTION**

16 RANDY TORRES, on behalf of himself and all  
17 other similarly situated non-exempt former and  
18 current employees; CHRISTINA TORRES, on  
19 behalf of herself and all other similarly situated  
non-exempt former and current employees,

20 Plaintiffs,

21 vs.

22 PERFORMANCE TEAM, LLC, a Delaware  
23 Limited Liability Company; PERFORMANCE  
24 TEAM LOGISTICS, LLC, a Delaware Limited  
25 Liability Company; and DOES 1 through 10,  
inclusive,

26 Defendants.

Case No.: BC705070

(Case Assigned for All Purposes to Judge  
David S. Cunningham, Dept. 11)

**~~PROPOSED~~ JUDGMENT**

Action Filed: May 9, 2018  
Trial Date: None Set

1 **~~PROPOSED~~ JUDGMENT**

2 1. In accordance with, and for the reasons stated in the Court’s Order Granting Plaintiffs’  
3 Motion for Final Approval of Class Action Settlement, Judgment shall be entered in the above-  
4 captioned case whereby Plaintiffs Randy Torres and Christina Torres in Case No. BC705070  
5 (“Plaintiffs”) and all Participating Class Members and PAGA Employees shall take nothing from  
6 Performance Team, LLC, And Performance Team Logistics, LLC (“Defendants”) except as  
7 expressly set forth in the Stipulation of Settlement (“Settlement”).  
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9 2. Solely for purposes of effectuating the Settlement, this Court has certified a Class  
10 defined as “as a non-exempt employees employed by Defendants in the position of driver who  
11 received incentive compensation from Defendants at any time from April 21, 2016 through March  
12 2, 2018 (the “Class Period”) and did not sign an individual release agreement with Defendants.”  
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14 3. “PAGA Employees” are defined as all current and former non-exempt employees  
15 employed by Defendant in the State of California in the position of driver who received  
16 incentive compensation from Performance Team at any time from May 2, 2017 through  
17 December 3, 2021 (the “PAGA Period”).  
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19 4. Plaintiffs and every participating member of the Settlement Class will  
20 unconditionally and irrevocably forever release and discharge Performance Team, and its  
21 current and former members, managers, owners, shareholders, officers, directors, employees,  
22 attorneys, representatives, agents, benefit plans, parent companies, subsidiaries, affiliates,  
23 related entities, successors, and assigns (“Released Parties”) from any and all claims, causes  
24 of action, damages, wages, benefits, expenses, penalties, debts, liabilities, losses, agreements,  
25 compensation, demands, obligations, attorneys’ fees, costs, and any other form of relief or  
26 remedy in law, equity, or whatever kind or nature, which has been alleged in the Complaint,  
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1 First Amended Complaint, Second Amended Complaint, the Lawsuit, or that could have been  
2 alleged based on the factual allegations asserted in the Lawsuit, from the beginning of the  
3 Class Period through the date of preliminary approval of this Settlement by the Court,  
4 including claims for: (i) failure to pay all hours worked under Cal. Labor Code §§ 200 and  
5 226.2 and Cal. Code Regs., Title 8 § 11090, Subds. 1 and 4(B)(ii) failure to provide meal  
6 periods under Cal. Labor Code §§ 226.7 and 512, Industrial Welfare Commission Wage Order  
7 Nos. 9-1998, 9-2000, 9-2001(11) and Cal. Code Regs., Tit. 8 § 11090; (iii) failure to  
8 authorize and permit rest breaks under Cal. Labor Code §§ 226.7, Industrial Welfare  
9 Commission Wage Order Nos. 9-1998, 9-2000, 9-2001(11) and Cal. Code Regs., Tit. 8 §  
10 11090; (iv) failure to pay overtime wages under Cal. Labor Code § 510, (v) failure to pay all  
11 wages upon termination under Cal. Labor Code §§ 201-203; (vii) failure to provide accurate  
12 wage statements under Cal. Labor Code §§ 226, 226.2, 1174, 1175; and claims for unfair  
13 competition (Cal. Bus. & Prof. Code § 17200 et seq.) based on the above violations (“Class  
14 Released Claims”). The Class Released Claims shall run from April 21, 2016 through the date  
15 of preliminary approval of this Settlement by the Court.  
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17  
18 5. Plaintiffs, and all Settlement Class members, and all PAGA Employees  
19 unconditionally and irrevocably forever release and discharge the Released Parties from any and  
20 all claims for PAGA civil penalties based on the Class Released Claims (“PAGA Released  
21 Claims”). The PAGA Released Claims shall run for the duration of the PAGA Period.  
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23 6. As of December 3, 2021, no individual timely opted out of the Settlement and therefore  
24 all class members, and PAGA Employees, are bound by the terms of this Judgment.  
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26 7. This Court shall retain jurisdiction with respect to all matters related to the  
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1 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to  
2 the Settlement and the determination of all controversies relating thereto.

3  
4 8. Plaintiffs shall give notice of this Judgment to Class Members, and PAGA Employees,  
5 pursuant to rule 3.771 of the California Rules of Court, by posting an electronic copy of the  
6 Judgment on the Settlement Administrator's website.  
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8 **IT IS SO ADJUDICATED.**

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10 DATED: ~~FBI~~ ~~DEEG~~ \_\_\_\_\_



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11 Hon. David S. Cunningham  
12 Judge of the Superior Court  
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## **PROOF OF SERVICE**

I am a resident of the State of California, over eighteen years of age, and not a party to this action. My business address is 316 W. 2<sup>nd</sup> Street, Suite 1200, Los Angeles, CA 90012.

On, December 14, 2021, I served the following documents:

### **[PROPOSED] JUDGMENT**

- BY FAX: by transmitting via facsimile the document(s) listed above to the following fax number(s) listed below.
- BY ELECTRONIC SERVICE: I caused the documents to be sent to the persons at the email addressed listed below via email, as ordered by the court. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- BY PERSONAL DELIVERY: by causing personal delivery (by hand) of the documents listed above to the person(s) at the address set forth below.
- BY MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, CA, addressed as set forth below.
- BY MAIL: I am “readily familiar” with the office’s practice of collection and processing of correspondence for mailing. It is deposited in a sealed envelope with the U.S. Postal Service on that same day with postage thereon fully prepaid, at Los Angeles, CA, in the ordinary course of business, addressed as set forth below.

### **[SEE ATTACHED SERVICE LIST]**

I certify (or declare), under penalty of perjury of the laws of the State of California, that the foregoing is true and correct.

Executed on December 14, 2021, at Los Angeles, California.

*Shoham J. Solouki*  
\_\_\_\_\_  
Shoham Solouki

**SERVICE LIST**

***Randy Torres, Et Al v. Performance Team, LLC, Et Al***  
***Case No.: BC705070***

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