



**FILED**  
Superior Court of California  
County of San Francisco

**DEC 12 2022**

**CLERK OF THE COURT**

BY: Clara Gungor  
Deputy Clerk

1 GAY CROSTHWAIT GRUNFELD – 121944  
MICHAEL FREEDMAN – 262850  
2 JENNY S. YELIN – 273601  
ROSEN BIEN GALVAN & GRUNFELD LLP  
3 101 Mission Street, Sixth Floor  
San Francisco, California 94105-1738  
4 Telephone: (415) 433-6830  
Facsimile: (415) 433-7104  
5 Email: ggrunfeld@rbgg.com

6 SETH YOHALEM (admitted *pro hac vice*)  
WASKOWSKI JOHNSON YOHALEM LLP  
7 954 West Washington Boulevard, Suite 322  
Chicago, Illinois 60607-2224  
8 Telephone: (312) 278-3153  
Facsimile: (312) 690-4641  
9 Email: syohalem@wjylegal.com

10 Attorneys for Plaintiff YASSIN OLABI

11 *Additional counsel listed on Next Page*

12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SAN FRANCISCO

15 COORDINATION PROCEEDING SPECIAL  
16 TITLE [RULE 3.550]

JUDICIAL COUNCIL COORDINATION  
PROCEEDING No. **5044**

17 **NEUTRON HOLDINGS WAGE AND  
18 HOUR CASES**

Case No. CJC-19-005044

18 *Torres v. Neutron Holdings, Inc. dba  
19 LimeBike, No. RG18927575  
(Superior Court of California,  
20 County of Alameda)*

**STIPULATION RE *CY PRES*  
DISTRIBUTIONS AND FINAL  
ACCOUNTING**

*AC*  
**& [PROPOSED] ORDER**

21 *Osuna v. Neutron Holdings, Inc., dba  
22 LimeBike, No. 18STCV06667  
(Superior Court of California,  
23 County of Los Angeles)*

Judge: Hon. Andrew Y.S. Cheng  
Dept.: 613

24 *Tameny v. Neutron Holdings, Inc.,  
25 No. 19SMCV00809  
(Superior Court of California,  
26 County of Los Angeles)*

26 *Olabi v. Neutron Holdings, Inc. dba LimeBike,  
27 aka Lime, No. CGC-18-569564  
(Superior Court of California,  
28 County of San Francisco)*

1 *Additional counsel continued from page 1*

2 JASON M. WUCETICH, Bar No. 222113  
3 DIMITRIOS KOROVILAS, Bar No. 247230  
4 WUCETICH & KOROVILAS LLP  
5 222 N. Pacific Coast Hwy, Suite 2000  
6 El Segundo, CA 90245-5614  
7 Telephone: (310) 335-2001  
8 Email: jason@wukolaw.com

9 Attorneys for Plaintiff STEVEN TAMENY

R. REX PARRIS, Bar No. 96567  
KITTY K. SZETO, Bar No. 258136  
JOHN M. BICKFORD, Bar No. 280929  
PARRIS LAW FIRM  
43364 10th Street West  
Lancaster, CA 93534-6002  
Telephone: (661) 979-2595  
Email: jbickford@parrislawyers.com

Attorneys for Plaintiff JON OSUNA

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Pursuant to the Court's order dated October 26, 2022, instructions from the Court at the  
2 October 26, 2022, status conference, and further to the status report and declaration of Robert  
3 Hyte, both filed October 19, 2022, as well as the parties' statements filed December 1, 2022,  
4 Plaintiffs Jon Osuna, Steven Tameny, and Yassin Olabi ("Plaintiffs") and defendant Neutron  
5 Holdings, Inc. (collectively the "Parties"), by and through their undersigned counsel of record,  
6 hereby stipulate and agree as follows:

7 WHEREAS, as previously set forth in the parties' status report and declaration of Robert  
8 Hyte filed October 19, 2022, of the total 15,593 checks issued to PAGA Settlement Group  
9 Members, there remains uncashed a total number of approximately 11,766 checks for a total  
10 amount of approximately \$729,634.61, representing approximately 8.58% of the total \$8,500,000  
11 settlement fund, and the time period for PAGA Settlement Group Members to cash these checks  
12 has expired;

13 WHEREAS, of the total uncashed amount, approximately 5,132 checks representing a total  
14 of approximately \$373,256.46 are associated with a physical address and approximately 6,634  
15 checks representing a total of approximately \$356,378.15 are not associated with a physical  
16 address;

17 WHEREAS, at the October 26, 2022, status conference and in the Court's order dated  
18 October 26, 2022, the Court instructed the parties to meet and confer on the issues of  
19 disbursements to the State Controller's Unclaimed Property Fund and up to four *cy pres* designees,  
20 disbursements to the Settlement Administrator, Settlement Services, Inc. ("SSI") for additional  
21 administration expenses incurred, possible amendment to the Settlement Agreement to allow for  
22 multiple *cy pres* recipients, and whether any amounts should be held in reserve to accommodate  
23 late requests by a PAGA Settlement Group Members to re-issue a check;

24 WHEREAS, the parties have met and conferred on these issues;

25 WHEREAS, the parties agree that the Court may exercise its discretion to approve *cy pres*  
26 disbursements to multiple organizations and that a formal amendment to the Settlement  
27 Agreement is not necessary;

28 WHEREAS, as set forth in Plaintiffs' status report filed December 1, 2022, Plaintiffs have

1 proposed four *cy pres* recipients: Legal Aid at Work, California Rural Legal Assistance, Wage  
2 Justice Center, and PowerSwitch Action;

3 WHEREAS, Plaintiffs contend that each of these four organizations is an appropriate *cy*  
4 *pres* designee given that this case involved employment law issues and each proposed  
5 organization is a non-profit organization that provides *pro bono* employment law services and/or  
6 does advocacy work related to workers' rights, including specifically independent contractor  
7 misclassification issues;

8 WHEREAS, on December 1, 2022, Plaintiffs filed declarations from a representative of  
9 each proposed *cy pres* designee, describing the work of each organization and disclosing any  
10 relationships with the parties or counsel in this case or confirming that there are none, pursuant to  
11 the Court's October 26, 2022, order (*see* Declaration of Joan Graff (re Legal Aid at Work);  
12 Declaration of Jose Padilla (re California Rural Legal Assistance); Declaration of Victor Narro (re  
13 Wage Justice Center); Declaration of Ben Beach (re PowerSwitch Action));

14 WHEREAS, on December 1, 2022, counsel for each party also submitted a declaration  
15 disclosing any relationships with the proposed *cy pres* designees or confirming that there are none,  
16 pursuant to the Court's October 26, 2022, order (*see* Declaration of Dimitrios V. Korovilas;  
17 Declaration of Jenny Yelin; Declaration of Seth Yohalem; Declaration of Kitty Szeto; Declaration  
18 of Michael Holecek);

19 WHEREAS, Defendant itself has not proposed any *cy pres* designee but contends that any  
20 *cy pres* disbursements should go to Legal Aid at Work and/or California Rural Legal Assistance  
21 because Defendant contends that these organizations "have missions most germane to the interests  
22 of the California Labor & Workforce Development Agency and the goals of the parties' settlement  
23 agreement" (*See* Defendant's Statement Regarding Cy Pres Distribution, filed December 1, 2022);

24 WHEREAS, Plaintiffs contend that the *cy pres* disbursements should not be limited to  
25 Legal Aid at Work and the California Rural Legal Assistance, but should be made to all four  
26 proposed organizations because: 1) it should be Plaintiffs' prerogative to propose *cy pres*  
27 recipients consistent with the objectives of this litigation, subject to the Court's approval; 2) both  
28 Wage Justice Center and PowerSwitch Action do work specific to independent contractor

1 misclassification issues and/or app workers (*see* Beach Decl. ¶¶ 3-4; Narro Decl. ¶ 7) and are  
2 smaller organizations for whom a *cy pres* donation would be particularly impactful (Narro Decl. ¶  
3 12; Beach Decl. ¶ 5); and 3) defense counsel has ties with Legal Aid at Work and California Rural  
4 Legal Assistance, and so *cy pres* disbursements should not be limited to those organizations (*see*  
5 Holecek Decl. ¶¶ 5-7; Graff Decl. ¶ 28; Padilla Decl. ¶ 6);

6 WHEREAS, as previously set forth in the October 19, 2022, status report and Hyte  
7 Declaration, SSI has incurred approximately \$15,000 in increased administration costs resulting  
8 from changes to settlement procedures described in the status report, and may incur additional  
9 expenses in connection with disbursement of multiple *cy pres* awards and final accounting;

10 NOW, THEREFORE, the parties hereby stipulate and agree to entry of the attached  
11 proposed order, providing that, with respect to the \$729,634.61 settlement residue:

- 12 1. The approximately \$373,256.46 associated with a physical address be disbursed by SSI  
13 to the State Controller's Unclaimed Property Fund, allowing individuals associated  
14 with the checks relating to these amounts to claim their funds from the State if they so  
15 choose;
- 16 2. The approximately \$356,378.15 not associated with a physical address be disbursed by  
17 SSI as follows:
  - 18 a. Approximately \$20,000 shall be allocated to SSI for increased administration  
19 expenses, from which SSI may pay itself any additional expenses incurred to  
20 date and make later disbursements to itself in the future to the extent it incurs  
21 additional administration expenses;
  - 22 b. Approximately \$20,000 shall be held in reserve by SSI to accommodate any  
23 late requests by a PAGA Settlement Group members to re-issue a check, to the  
24 extent the funds associated with that individual have not been transferred to the  
25 Unclaimed Property Fund;
  - 26 c. SSI shall distribute the remaining funds to the organization(s) approved by the  
27 Court as *cy pres* recipients (in equal parts to the extent multiple organizations  
28 are approved);

1 3. On or before December 31, 2023, any amounts previously held in reserve under  
2 paragraphs 2.a and 2.b above shall be disbursed to the approved *cy pres* recipients (in  
3 equal parts to the extent multiple organizations are approved).

4 IT IS SO STIPULATED.

5  
6 DATED: December 8, 2022

Respectfully submitted,  
ROSEN BIEN GALVAN & GRUNFELD LLP

7  
8 By: /s/ Jenny S. Yelin  
JENNY S. YELIN  
9 Attorneys for Plaintiff Yassin Olabi

10 DATED: December 8, 2022

PARRIS LAW FIRM  
11  
12 By: /s/ Kitty K. Szeto  
KITTY K. SZETO  
13 Attorneys for Plaintiff Jon Osuna

14 DATED: December 8, 2022

WUCETICH & KOROVILAS LLP  
15  
16 By: /s/ Dimitrios V. Korovilas  
DIMITRIOS V. KOROVILAS  
17 Attorneys for Plaintiff Steven Tamenv

18 DATED: December 8, 2022

GIBSON DUNN & CRUTCHER LLP  
19  
20 By: /s/ Monica Paladini  
MONICA PALADINI  
21 Attorneys for Defendant  
Neutron Holdings, Inc.

22  
23  
24  
25  
26  
27  
28

*AC*  
**PROPOSED ORDER**

1  
2 The Court, having considered the parties' stipulation re *cy pres* distributions and final  
3 accounting and, good cause appearing, hereby approves the stipulation and orders as follows with  
4 with respect to the \$729,634.61 settlement residue in this matter:

- 5 1. The approximately \$373,256.46 associated with physical addresses shall be disbursed  
6 by SSI to the State Controller's Unclaimed Property Fund, allowing individuals  
7 associated with the checks relating to these amounts to claim their funds from the  
8 State;
- 9 2. The approximately \$356,378.15 not associated with physical addresses shall be  
10 disbursed by SSI as follows:
- 11 a. Approximately \$20,000 shall be allocated to SSI for increased administration  
12 expenses, from which SSI may pay itself any additional expenses incurred to  
13 date and make later disbursements to itself in the future to the extent it incurs  
14 additional administration expenses;
- 15 b. Approximately \$20,000 shall be held in reserve by SSI to accommodate any  
16 late requests by a PAGA Settlement Group members to re-issue a check, to the  
17 extent the funds associated with that individual have not been transferred to the  
18 Unclaimed Property Fund;
- 19 c. SSI shall distribute the remaining funds to the following organization(s) as a *cy*  
20 *pres* distribution (in equal parts to the extent multiple organizations are listed):
- 21 i. Legal Aid at Work;
- 22 ii. California Rural Legal Assistance
- 23 iii. Wage Justice Center;
- 24 iv. Power Switch Action *AC*

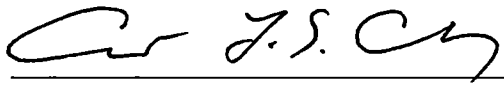
25 //  
26 //  
27 //  
28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. On or before December 31, 2023, any amounts previously held in reserve under paragraphs 2.a and 2.b above shall be disbursed the organization(s) listed in paragraph 2.c as *cy pres* distributions (in equal parts if multiple organizations are listed).

IT IS SO ORDERED.

Dated: December 12, 2022



Hon. Andrew Y.S. Cheng  
San Francisco Superior Court