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9 *Attorneys for Plaintiff*

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11 **LEBEAU THELEN, LLP**
12 5001 East Commercenter Drive, Suite 300
13 Bakersfield, California 93389
14 Tel: (661) 325-8962 / Fax: (661) 325-1127

15 *Attorneys for Defendant*

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF TULARE**

18 JOALI RODRIGUEZ, individually, and on
19 behalf of other members of the general public
20 similarly situated,

21 Plaintiff,

22 vs.

23 SURF THRU, INC., a California corporation;
24 and DOES 1 through 100, inclusive,

25 Defendant.

Case No.: VCU280787

Honorable Bret D. Hillman
Department 7

CLASS ACTION

**AMENDMENT NO. 1 TO JOINT
STIPULATION OF CLASS ACTION
SETTLEMENT AND RELEASE**

Complaint Filed: October 15, 2019
Jury Trial Date: None Set

1 Plaintiff Joali Rodriguez, on behalf of herself and other members of the general public
2 similarly situated, (“Plaintiff”), and Defendant Surf Thru, Inc. (“Defendant”), pursuant to
3 Paragraph 41 of the Joint Stipulation of Class Action and PAGA Settlement and Release entered
4 into on or around May 18, 2022 (“Agreement”), hereby agree to amend portions of the Agreement
5 as stated herein. The amendments stated herein are incorporated in the Agreement by this
6 reference:

7 **A. Paragraph 6(z) of the Agreement is hereby amended to state:**

8 “Response Deadline” means the deadline by which Class Members must submit a Request
9 for Exclusion, Notice of Objection, and/or dispute of the Workweeks credited to them, which shall
10 be the date that is **sixty (60)** calendar days from the initial mailing of the Class Notice by the
11 Settlement Administrator, unless the **60th** day falls on a Sunday or Federal holiday, in which case
12 the Response Deadline will be extended to the next day on which the U.S. Postal Service is open.
13 In the event that a Class Notice is re-mailed to a Class Member, the Response Deadline for that
14 Class Member shall be extended by fifteen (15) calendar days.

15 **B. Paragraph 11 of the Agreement is hereby amended to state:**

16 Enhancement Payment. In recognition of her efforts and work in prosecuting the Action,
17 Defendant agrees not to oppose or impede any application or motion for an Enhancement Payment
18 in an amount up to **Five Thousand Dollars (\$5,000)** to Plaintiff Joali Rodriguez. The
19 Enhancement Payment, which will be in addition to her Individual Settlement Payment that is to
20 be paid pursuant to the Settlement. The Settlement Administrator will issue an IRS Form 1099 to
21 Plaintiff for the Enhancement Payment, and Plaintiff shall be solely and legally responsible for
22 correctly characterizing this compensation for tax purposes and for paying any taxes on the
23 amounts received. Plaintiff agrees to indemnify and hold Defendant harmless from any claim or
24 liability for taxes, penalties, or interest arising as a result of the Enhancement Payment. Should
25 the Court approve the Enhancement Payment to Plaintiff in an amount that is less than that set
26 forth above, the difference between the lesser amount approved by the Court and the amount
27 allocated toward the Enhancement Payment will be part of the Net Settlement Amount for the
28 benefit of Settlement Class Members.

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C. **The Notice of Class Action Settlement** attached to the Agreement as “Exhibit A” is hereby replaced with the revised Notice of Class Action Settlement attached to the Supplemental Declaration of Annabel Blanchard in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement as EXHIBIT 2.

IT IS SO AGREED.

Dated: 09/15/2022, 2022

PLAINTIFF JOALI RODRIGUEZ
Electronically Signed

2022-09-16 00:55:30 UTC - 50.59.191.90
Nintex AssureSign®
ee846e3b-4539-4ade-9e7d-af120002103b
Joali Rodriguez, Plaintiff


DEFENDANT SURF THRU, INC.

Dated: _____, 2022

By:
Title:
On behalf of Surf Thru, Inc.

APPROVED AS TO FORM:

Dated: 09/15/2022, 2022

LAWYERS for JUSTICE, PC

Edwin Aiwazian
Attorneys for Plaintiff and Proposed Class Counsel

LEBEAU THELEN, LLP

Dated: _____, 2022

Daniel K. Klingenberger
Attorneys for Defendant

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C. **The Notice of Class Action Settlement** attached to the Agreement as “Exhibit A” is hereby replaced with the revised Notice of Class Action Settlement attached to the Supplemental Declaration of Annabel Blanchard in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement as EXHIBIT 2.

IT IS SO AGREED.

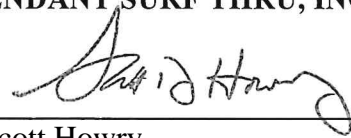
PLAINTIFF JOALI RODRIGUEZ

Dated: _____, 2022

Joali Rodriguez, Plaintiff

DEFENDANT SURF THRU, INC.

Dated: 9-16, 2022



By: Scott Howry
Title: President
On behalf of Surf Thru, Inc.

APPROVED AS TO FORM:

LAWYERS for JUSTICE, PC

Dated: _____, 2022

Edwin Aiwazian
Attorneys for Plaintiff and Proposed Class Counsel

LEBEAU THELEN, LLP

Dated: _____, 2022

Daniel K. Klingenberg
Attorneys for Defendant

1 C. The Notice of Class Action Settlement attached to the Agreement as “Exhibit
2 A” is hereby replaced with the revised Notice of Class Action Settlement attached to the
3 Supplemental Declaration of Annabel Blanchard in Support of Plaintiff’s Motion for
4 Preliminary Approval of Class Action Settlement as EXHIBIT 2.
5

6 **IT IS SO AGREED.**

7 **PLAINTIFF JOALI RODRIGUEZ**

8 Dated: _____, 2022

9 _____
Joali Rodriguez, Plaintiff

11 **DEFENDANT SURF THRU, INC.**

13 Dated: _____, 2022

14 _____
By:
15 Title:
On behalf of Surf Thru, Inc.

16 **APPROVED AS TO FORM:**

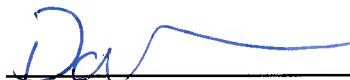
17 **LAWYERS for JUSTICE, PC**

19 Dated: _____, 2022

20 _____
Edwin Aiwazian
Attorneys for Plaintiff and Proposed Class Counsel

22 **LEBEAU THELEN, LLP**

23 Dated: 9/16, 2022

24 

Daniel K. Klingenberger
Attorneys for Defendant