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Attorneys for Defendant

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

SUMMER HUBER, individually, and on
behalf of other members of the general
public similarly situated;

Plaintiff,

v.

EVOLVE DENTAL TECHNOLOGIES,
INC., a California corporation; and DOES 1
through 100, inclusive;

Defendants.

Case No.: 30-2023-01309069-CU-OE-CXC

Assigned for All Purposes to:
Honorable Melissa McCormick
Department CX-104

CLASS ACTION

**AMENDMENT TO THE JOINT
STIPULATION OF CLASS ACTION AND
PAGA SETTLEMENT**

Complaint Filed: October 9, 2023
FAC Filed: February 6, 2024
SAC Filed: May 21, 2024
Trial Date: None Set

This Amendment to the Joint Stipulation of Class Action and PAGA Settlement is entered into by Plaintiff Summer Huber (“Plaintiff”) on her own behalf and on behalf of all members of the Class on the one hand and Defendant Evolve Dental Technologies, Inc. (“Defendant”) on the other.

RECITALS

1. On June 25, 2024, the Parties fully executed the Joint Stipulation of Class Action and PAGA Settlement (“Settlement Agreement”) representing the long-form agreement submitted to the Court for approval.

2. On July 12, 2024, Plaintiff submitted the Settlement Agreement to the Court for approval, which was set for hearing on November 8, 2024.

3. On November 6, 2024, the Court issued a tentative ruling ordering the Parties to modify portions of the Settlement Agreement (and exhibits), as well as provide supplemental information for the Court’s review, and continued the Preliminary Approval Hearing to March 14, 2025.

4. Thereafter, the Parties met and conferred and agreed to modify certain portions of the Settlement Agreement (and exhibits) consistent with the Court's order and hereby submit this Amendment to the Joint Stipulation of Class Action and PAGA Settlement.

STIPULATION

1. Section I(E) previously read as follows:

Class: All current and former hourly-paid or non-exempt employees of Defendant within the State of California at any time during the period from October 9, 2019 through August 6, 2024 or the date of preliminary approval, whichever date is earlier. Defendant estimates there are approximately 45 Class Members who worked 4,391 workweeks during the Class Period.

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1 **Section I(E) shall now read as follows:**

2 **Class:** All current and former hourly-paid or non-exempt employees of Defendant
3 within the State of California at any time during the period from October 9, 2019 through
4 August 6, 2024. Defendant estimates there are approximately 45 Class Members who worked
5 4,391 workweeks during the Class Period.

6 **2. Section I(J) previously read as follows:**

7 **Class Period:** The time period from October 9, 2019 through August 6, 2024 or the
8 date of preliminary approval, whichever date is earlier.

9 **Section I(J) shall now read as follows:**

10 **Class Period:** The time period from October 9, 2019 through August 6, 2024.

11 **3. Section I(S) previously read as follows:**

12 **Eligible Aggrieved Employees:** The allegedly aggrieved employees eligible to recover
13 settlement funds from the PAGA Payment consist of all current and former hourly-paid or non-
14 exempt employees of Defendant within the State of California at any time during the period
15 from October 9, 2022 through August 6, 2024 or the date of preliminary approval, whichever
16 date is earlier. Defendant estimates there are approximately 26 Eligible Aggrieved Employees
17 who worked 874 pay periods during the PAGA Period.

18 **Section I(S) shall now read as follows:**

19 **Eligible Aggrieved Employees:** The allegedly aggrieved employees eligible to recover
20 settlement funds from the PAGA Payment consist of all current and former hourly-paid or non-
21 exempt employees of Defendant within the State of California at any time during the period
22 from October 9, 2022 through August 6, 2024. Defendant estimates there are approximately 26
23 Eligible Aggrieved Employees who worked 874 pay periods during the PAGA Period.

24 **4. Section I(CC) previously read as follows:**

25 **PAGA Period:** The time period from October 9, 2022 through August 6, 2024 or the
26 date of preliminary approval, whichever date is earlier.

27 **Section I(CC) shall now read as follows:**

28 **PAGA Period:** The time period from October 9, 2022 through August 6, 2024.

1 **5. Section III(G)(2) previously read as follows:**

2 **Tax Withholdings.** Participating Class Members' Individual Settlement Shares will be
3 apporportioned twenty percent (20%) as wages and eighty percent (80%) as penalties and interest.
4 The employees' share of payroll tax withholdings and other legally required withholdings shall
5 be withheld from the portion of the Individual Settlement Shares attributed to wages. The
6 amounts paid as wages shall be subject to all tax withholdings made from an employee's wages
7 and all other authorized and required withholdings and shall be reported by IRS Form W-2. The
8 amounts paid as penalties and interest shall be subject to all authorized and required
9 withholdings other than the tax withholdings made from employees' wages and shall be
10 reported by IRS Form 1099. Eligible Aggrieved Employees' portion of the PAGA Payment
11 will be allocated as one hundred percent (100%) penalties and shall be reported by IRS Form
12 1099.

13 **Section III(G)(2) shall now read as follows:**

14 **Tax Withholdings.** Participating Class Members' Individual Settlement Shares will be
15 apporportioned thirty-three and one-third percent (33.33%) as wages and sixty-six and two-third
16 percent (66.67%) as penalties and interest. The employees' share of payroll tax withholdings
17 and other legally required withholdings shall be withheld from the portion of the Individual
18 Settlement Shares attributed to wages. The amounts paid as wages shall be subject to all tax
19 withholdings made from an employee's wages and all other authorized and required
20 withholdings and shall be reported by IRS Form W-2. The amounts paid as penalties and
21 interest shall be subject to all authorized and required withholdings other than the tax
22 withholdings made from employees' wages and shall be reported by IRS Form 1099. Eligible
23 Aggrieved Employees' portion of the PAGA Payment will be allocated as one hundred percent
24 (100%) penalties and shall be reported by IRS Form 1099.

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Dated: 11/26/2024

SUMMER HUBER



Dated: _____

EVOLVE DENTAL TECHNOLOGIES, INC.


Name:

Title:

APPROVED AS TO FORM

Dated: November 27, 2024

JUSTICE LAW CORPORATION



Douglas Han, Esq.
Shunt Tatavos-Gharajeh, Esq.
Attorneys for Plaintiff

Dated: _____

O'HAGAN MEYER LLP

Katherine C. Den Bleyker, Esq.
Kyle J. Ignatius, Esq.
Attorneys for Defendant

1 Dated: _____

SUMMER HUBER

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3
4 Dated: 11/14/2024

EVOLVE DENTAL TECHNOLOGIES, INC.

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6 
7 Name: DR. RODGER "ROD" KURTHY
8 Title: CEO

9 APPROVED AS TO FORM

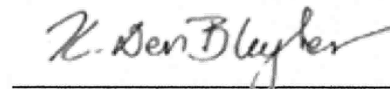
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11 Dated: _____

JUSTICE LAW CORPORATION

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13 _____
14 Douglas Han, Esq.
15 Shunt Tatavos-Gharajeh, Esq.
16 Attorneys for Plaintiff

17 Dated: 11/22/2024

O'HAGAN MEYER LLP

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19 Katherine C. Den Bleyker, Esq.
20 Kyle J. Ignatius, Esq.
21 Attorneys for Defendant
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