

1 GIBSON, DUNN & CRUTCHER LLP  
THEANE EVANGELIS, SBN 243570  
2 tevangelis@gibsondunn.com  
DHANANJAY S. MANTHRIPRAGADA, SBN 254433  
3 dmanthripragada@gibsondunn.com  
333 South Grand Avenue  
4 Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
5 Facsimile: 213.229.7520

6 GIBSON, DUNN & CRUTCHER LLP  
MICHELE L. MARYOTT, SBN 191993  
7 mmaryott@gibsondunn.com  
SHAUN A. MATHER, SBN 311029  
8 smathur@gibsondunn.com  
3161 Michelson Drive  
9 Irvine, CA 92612-4412  
Telephone: 949.451.3800  
10 Facsimile: 949.451.4220

11 Attorneys for Defendant POSTMATES INC.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 FOR THE COUNTY OF SAN FRANCISCO

14 JACOB RIMLER and GIOVANNI JONES, on  
behalf of themselves and others similarly  
15 situated and in their capacities as Private  
Attorneys General Representatives,

16 Plaintiffs,

17 v.

18 POSTMATES INC.,

19 Defendant.

CASE NO. CGC-18-567868

**DEFENDANT POSTMATES INC.'S  
STATEMENT IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF REVISED  
CLASS ACTION SETTLEMENT**

Complaint Filed: July 5, 2018  
Trial Date: None Set

ELECTRONICALLY

**FILED**

Superior Court of California,  
County of San Francisco

**12/15/2020**

**Clerk of the Court**

BY: JUDITH NUNEZ

Deputy Clerk

1 Defendant Postmates Inc. files this Statement in support of Plaintiffs’ request for preliminary  
2 approval of the proposed second amended class action settlement agreement.<sup>1</sup> Postmates believes that  
3 the Court should grant preliminary approval of the proposed settlement because it is fair, reasonable,  
4 and adequate. In fact, the proposed settlement represents one of the largest in the gig economy.

5 On June 17, 2020, the Court issued an Order denying Plaintiffs’ motion for preliminary  
6 approval of class settlement and “encourag[ing] the parties to continue settlement negotiations ... to  
7 present another agreement for preliminary approval.” June 17, 2020 Order at 12. In response to the  
8 Court’s Order, the parties continued negotiating. The second amended proposed settlement agreement  
9 represents a significant increase in the settlement consideration for the class, FLSA, and PAGA claims,  
10 totaling \$32 million. In addition, Postmates agrees to provisional certification of the proposed  
11 settlement class and the FLSA collective action, and the filing of the Second Amended Complaint, for  
12 settlement purposes only. Further, in direct response to the Court’s concern, the settlement agreement  
13 has decoupled named Plaintiffs’ service award from the general release of their claims, and late claims  
14 will no longer be accepted after the Court grants final approval. In short, the revised settlement  
15 agreement remedies the Court’s prior concerns, in addition to almost *tripling* the total settlement  
16 amount.

17 While Postmates denies all of Plaintiffs’ claims; denies any and all allegations of wrongdoing,  
18 fault, liability, or damage of any kind to Plaintiffs and the proposed settlement class; and denies that it  
19 has engaged in any actionable conduct, it has agreed to resolve the cases to avoid the expense,  
20 uncertainties, delays, and other risks inherent in continued litigation. In particular, Postmates reserves  
21 all of its objections to class and collective certification for litigation purposes, and does not consent to  
22 certification of the proposed settlement class or collective for any purpose other than to effectuate the  
23 settlement.

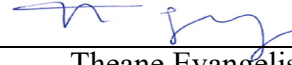
24 To aid resolution of the action and settlement efforts, Postmates respectfully requests that the  
25 Court grant preliminary approval of the proposed revised class action settlement.

26  
27  
28 <sup>1</sup> Postmates Inc. is now Postmates, LLC f/k/a Postmates Inc., and its parent corporation is Uber  
Technologies, Inc.

1 DATED: December 15, 2020

2 GIBSON, DUNN & CRUTCHER LLP

3  
4 By:



5 Theane Evangelis

6 Attorneys for Defendant POSTMATES INC.

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1 **PROOF OF SERVICE**

2 I, Cathy Jesolva, declare as follows:

3 I am employed in the County of Los Angeles, State of California, I am over the age of  
4 eighteen years and am not a party to this action; my business address is 333 South Grand Avenue,  
5 Los Angeles, CA 90071-3197, in said County and State. On December 15, 2020, I served the  
6 following document(s):

7 **DEFENDANT POSTMATES INC.'S STATEMENT IN SUPPORT OF  
8 PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF REVISED  
9 CLASS ACTION SETTLEMENT**


10 on the parties stated below, by the following means of service:

11 **SEE ATTACHED SERVICE LIST**

12  **(BY ELECTRONIC SERVICE)** By electronically serving a true and correct copy through File and Serve  
13 Express or other means to the email address(es) set forth above. I did not receive, within a reasonable time after  
14 the transmission, any electronic message or other indication that the transmission was unsuccessful.

15  **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is  
16 true and correct.

17 Executed on December 15, 2020.

18   
19 \_\_\_\_\_  
20 Cathy Jesolva

1 **SERVICE LIST**

2 *For Plaintiffs Jacob Rimler*  
3 *and Giovanni Jones*

4 Shannon Liss-Riordan  
5 Email: sliss@llrlaw.com  
6 Anne Kramer  
7 Email: akramer@llrlaw.com  
8 Lichten & Liss-Riordan, P.C.  
9 729 Boylston Street, Suite 2000  
10 Boston, MA 02116  
11 Telephone: (617) 994-5800  
12 Facsimile: (617) 994-5801

13 *For Winns Plaintiffs*

14 Amir Mostafavi  
15 Mostafavi Law Group, APC  
16 11835 W Olympic Blvd, #1055  
17 Los Angeles, CA 90064  
18 Telephone: 310-473-1111  
19 Facsimile: 310-473-2222  
20 E-mail: amir@mostafavilaw.com

21 *For Lemaster Intervenors in Rimler*

22 Keith Custis  
23 Custis Law, P.C.  
24 1875 Century Park East Ste 700  
25 Los Angeles, CA 90067  
26 Telephone: 213-863-4276

27 *For Altounian Intervenors in Rimler*

28 Caleb Marker  
E-mail: caleb.marker@zimmreed.com  
Christopher Ridout  
E-mail: Christopher.ridout@zimmreed.com  
Flinn Milligan  
E-mail: flinn.miligan@zimmreed.com  
Zimmerman Reed LLP  
2381 Rosecrans Avenue, Ste 328  
Manhattan Beach, CA 90245  
Telephone: 877-500-8780  
Facsimile: 877-500-8781

**SERVICE LIST (CONTINUED)**

*For Santana Intervenors in Rimler / Santana Plaintiffs*

Rex Parris  
Parris Law Firm  
43364 10th Street West  
Lancaster, CA 93534  
Telephone: 661-949-2595  
Facsimile: 661-949-7524  
E-mail: rrparris@rrexparris.com

*For the Vincent Plaintiffs*

Matthew Bainer  
The Bainer Law Firm  
1901 Harrison St., Ste. 1100  
Oakland, CA 94612  
Telephone: 510-992-1802  
Facsimile: 510-844-7701  
E-mail: mbainer@bainerlawfirm.com