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## Jamba Juice's \$2M Wage Deal OK'd, Lead Workers' Award Cut

By **Lauren Berg**

Law360, Los Angeles (January 31, 2019, 7:11 PM EST) -- A California judge gave final approval Thursday to Jamba Juice's \$1.95 million deal resolving class claims that it forced nearly 5,500 smoothie chain employees to work off the clock, but slashed service payments to the named plaintiffs after calling the requested sum "out of line, in my judgment."

At a hearing, attorneys for the named plaintiffs said Rosa Arteaga and Jessica Glover should each be awarded \$25,000 in service payments for the major amount of time and work they put into helping prepare the case. The workers, both mothers, would always make themselves available to the attorneys, while trying to take care of their personal lives, said their attorney Anthony Jenkins of the Law Offices of Stephen Glick.

"I would call, they would answer," Jenkins said.

But Los Angeles Superior Court Judge Carolyn B. Kuhl said the payments were "out of the ordinary" for similar settlements, which usually see about \$5,000 to \$10,000 awarded to the class representatives.

Noting that while the two workers had put in multiple hours of service to the case, particularly to assisting their attorneys with figuring out Jamba Juice's complicated time-keeping system, Judge Kuhl said they did not attend the mediation sessions. She said she usually reduces the service payment when plaintiffs don't go to mediation.

"\$25,000 is just out of line, in my judgment," Judge Kuhl said, awarding them each \$10,000 instead.

Following the hearing, Stephen Glick of the Law Offices of Stephen Glick, another attorney for the plaintiffs, praised Judge Kuhl's decision and told Law360 that it is a very difficult case.

"She gave us the highest range that she gives in these kinds of cases," Glick said.

Arteaga and Glover **filed suit** on behalf of a proposed class of Golden State Jamba Juice shift leaders and managers in California state court in November 2014, alleging the company routinely required them to punch out during meal breaks but continue working off the clock and use their personal vehicles to make bank deposits for the stores.

Although California's hourly minimum wage was hiked from \$8 to \$9 per hour during the class period, the plaintiffs claimed Jamba Juice had paid its hourly shift leaders a flat rate without considering their overtime or off-the-clock hours, violating the state labor code.

In June, the plaintiffs filed their motion for preliminary approval, telling the court the non-reversionary \$1.95 million settlement is fair and reasonable, and will provide roughly \$212 to each of the class members, after accounting for settlement administration costs, enhancement awards for the named plaintiffs, and a requested \$649,350 in attorneys' fees and costs.

Judge Kuhl **didn't initially approve** the preliminary settlement, telling the attorneys for both parties at the time that she needed more details about the claims being released to satisfy the standards set by the California Court of Appeals' 2008 ruling in Kullar v. Foot Locker.

Counsel for Jamba Juice did not immediately respond to a request for comment Thursday.

The plaintiffs are represented by Stephen Glick and Anthony Jenkins of the Law Offices of Stephen Glick.

Jamba Juice is represented by Michelle Chung and Ben Gipson of DLA Piper LLP and Jill B. Louis of K&L Gates.

The case is Rosa Arteaga et al. v. Jamba Juice Co. et al., case number BC564304, in the Superior Court of California, County of Los Angeles.

--Additional reporting by Daniel Siegal. Editing by Orlando Lorenzo.

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