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12 Attorneys for Defendant
13 THE SALVATION ARMY

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF SAN FRANCISCO

16 JUSTIN SPILMAN, TERESA CHASE, and
17 JACOB TYLER, on behalf of themselves and all
18 others similarly situated,

19 Plaintiff,

20 v.

21 THE SALVATION ARMY, a California
22 nonprofit corporation; and DOES 1 THROUGH
23 25, inclusive,

24 Defendants.

FILED
San Francisco County Superior Court

NOV 08 2023

CLERK OF THE COURT
BY: *Stella Echeverria*
Deputy Clerk

Case No. CGC-21-591364

**[PROPOSED] JUDGMENT IN FAVOR
OF DEFENDANT THE SALVATION
ARMY**

ASSIGNED FOR ALL PURPOSES TO
JUDGE ETHAN P. SCHULMAN, DEPT.
304


Trial Date: N/A
Complaint Filed: May 7, 2021
FAC Filed: July 12, 2021
SAC Filed: May 24, 2022
TAC Filed: October 27, 2022

1. On May 7, 2021, Plaintiffs Justin Spilman, Teresa Chase, and Jacob Tyler (“Plaintiffs”) filed this putative class action against Defendant The Salvation Army (“Defendant”) on behalf of themselves and all others similarly situated.
2. Plaintiffs’ operative Third Amended Complaint, filed on October 27, 2022, includes seven causes of action: (1) Failure to pay California minimum wage for all hours worked (California Labor Code §§ 1182.12, 1194, 1194.2, 1197 and IWC Wage Order No. 7); (2) Failure to pay California overtime compensation (California Labor Code §§ 510, 1194, and IWC Wage Order No. 7); (3) Failure to authorize and permit rest breaks (California Labor Code §§ 226.7, 1194, and IWC Wage Order No. 7); (4) Failure to furnish accurate wage statements (California Labor Code §§ 226 and IWC Wage Order No. 7); (5) Waiting time penalties (California Labor Code §§ 201, 202, 203); (6) Violations of the Unfair Competition Law (California Business & Professions Code §§ 17200-09); and (7) Violations of the Private Attorneys General Act of 2004 (California Labor Code § 2698, et seq.).
3. It is the burden of the Plaintiffs to establish, as a prima facie element of each cause of action in Plaintiff’s Third Amended Complaint, that they were the Defendant’s employees under California law.
4. On September 28, 2023, after having read and considered the papers submitted both in support of and in opposition to the Cross Motions for Summary Adjudication Regarding Employment Status and based upon the papers and pleadings on file in this matter as well as oral argument, the Court granted Defendant’s motion (“Order”). A true and correct copy of the Court’s signed Order Regarding Cross-Motions for Summary Adjudication Regarding Employment Status is attached hereto and incorporated herein as Exhibit A.
5. In the Order, the Court held that Plaintiffs were not Defendant’s employees under California law. In light of the Order, Plaintiffs cannot pursue any of their causes of action because each requires an employee-employer relationship.
6. In accordance with the Order:

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Judgment is
2 entered in favor of Defendant The Salvation Army and against Plaintiffs Justin Spilman,
3 Teresa Chase, and Jacob Tyler. Plaintiffs shall take nothing by way of this action from
4 Defendant.

5
6 IT IS SO ORDERED.

7
8 Dated: Nov. 8, 2023


HON. ETHAN P. SCHULMAN
JUDGE OF THE SUPERIOR COURT

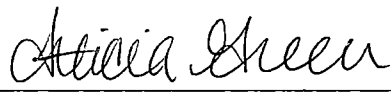
CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On November 8, 2023, I electronically served JUDGMENT IN FAVOR OF DEFENDANT THE SALVATION ARMY via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **NOV. 08 2023**

Brandon E. Riley, Court Executive Officer

By: 
Felicia Green, Deputy Clerk