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County of Santa Clara
16CV294472
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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

ThinLinX, Inc.,

Plaintiff,

v.

JAY SORG,

Defendant.

Case No.: 16-CV-294472

**~~PROPOSED~~ FINAL JUDGMENT
NUNC PRO TUNC AFTER ORDER
GRANTING MOTION FOR SUMMARY
JUDGMENT ON ALL CLAIMS AND
CAUSES OF ACTION IN THE
COMPLAINT AND ON THE FIRST,
THIRD, FIFTH, SIXTH AND SEVENTH
CAUSES OF ACTION OF THE CROSS-
COMPLAINT**

AND RELATED CROSS-ACTION.

The Motion for Summary Judgment/Summary Adjudication of Defendant and Cross-Complainant, Jay Sorg, was granted on May 2, 2019 by the Court, Judge Peter Kirwan presiding. The motion having been granted, the Court now enters Judgment for Defendant Jay Sorg on the Complaint and on his Cross-complaint against Defendant ThinLinX, Inc., as follows:

JUDGMENT ON THE COMPLAINT

1. Defendant Jay Sorg's Motion for Summary Judgment on the Complaint having been granted, judgment is now entered in favor of Defendant Jay Sorg and against Plaintiff ThinLinX on the Complaint in this Action and on every cause of action therein.

2. Defendant Jay Sorg is the prevailing party on the Complaint and is awarded his

1 reasonable attorneys' fees and costs as provided for in the Promissory Note which was the basis of
2 ThinLinx Complaint, under Code of Civil Procedure §1717(a), the amount of such attorneys' fees
3 were proven by a post-judgment motion for award of attorneys' fees in the amount of \$30,968.00 and
4 such costs were established by a post-judgment memorandum of costs in the amount of \$1,657.00.

5 **JUDGMENT ON THE CROSS-COMPLAINT**

6 3. Summary Judgment having been granted to Cross-complainant Jay Sorg against Cross-
7 defendant ThinLinx, Inc. on the first cause of action of the Cross-complaint for Failure to Pay
8 Minimum Wage for liquidated damages under Labor Code §§558 and 1194.2 in the total amount of
9 \$4,423.50, judgment is entered in favor of Cross-complainant in that amount.

10 4. Summary Judgment having been granted to Cross-complainant Jay Sorg against Cross-
11 defendant ThinLinx, Inc. on the third cause of action of the Cross-complaint for Breach of Implied-In-
12 Law Contract for unpaid wages in the amount of \$20,000.00 which were and owing and unpaid as of
13 October 31, 2015 and in the amount of \$2,250.00 which were owing and unpaid as of October 31,
14 2015, judgment is entered in favor of Cross-complainant on that cause of action for a total amount of
15 such wages of \$22,250.00.

16 5. Summary Judgment having been granted to Cross-complainant Jay Sorg against Cross-
17 defendant ThinLinx, Inc. on the fifth cause of action of the Cross-complaint for Failure to Timely Pay
18 All Wages Due in violation of Labor Code §203 for penalties for failure to pay such wages in the
19 amount of \$5,825.00, judgment is entered in favor of Cross-complainant on that cause of action in that
20 amount.

21 6. Summary Judgment having been granted to Cross-complainant Jay Sorg against Cross-
22 defendant ThinLinx, Inc. on the sixth cause of action of the Cross-complaint for Failure to Properly
23 Itemize Wage Statements under California Labor Code §226(a) in the amount of \$1,050.00, judgment
24 is entered in favor of Cross-complainant on that cause of action in that amount.

25 7. Summary Judgment having been granted to Cross-complainant Jay Sorg against Cross-
26 defendant ThinLinx, Inc. on the seventh cause of action of the Cross-complaint for Unfair
27 Competition under Business and Professions Code §16600 and 17200, judgment is entered in favor of
28 Cross-complainant on that cause of action.

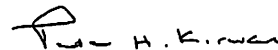
1 8. Cross-complainant Sorg is the prevailing party on his Cross-complaint and judgment is
2 now entered for his attorneys' fees and costs incurred in this case under the provisions of California
3 Labor Code §218.5(a), §226 and §1194 the amount of such attorneys' fees were proven by a post-
4 judgment motion for award of attorneys' fees in the amount of \$30,968.00 and such costs were
5 established by a post-judgment memorandum of costs in the amount of \$1,657.00.

6 9. Summary judgment was granted awarding interest to Cross-complainant Jay Sorg on
7 the above amounts at the rate of ten percent (10%) simple interest per year under Labor Code §218.6
8 and Civil Code §3289 in the total amount of \$13,669.74 as of the March 28, 2019 hearing date on the
9 Motion for Summary Judgment and judgment is entered in favor of Cross-complainant for interest in
10 that amount accrued on or before March 28, 2019.

11 The total judgment awarded to Cross-complainant Jay Sorg on his First, Third, Fifth and Sixth
12 Causes of Action of the Cross-complaint is \$33,548.50 plus interest in the amount of \$13,669.74
13 accrued as of March 28, 2019. Judgment is also awarded to Cross-complainant Jay Sorg for unpaid
14 sanctions in the amount of \$1,000.00.

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16 **SO ORDERED, ADJUDGED AND DECREED**

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18 Signed: 1/21/2020 11:38 AM
19 Dated: January __, 2020

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23 _____
24 The Honorable Peter Kirwan
25 Judge of the Superior Court
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