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Attorneys for Plaintiff OMAR VEJAR

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

OMAR VEJAR, on behalf of himself and on
behalf of all persons similarly situated,

Plaintiffs,

vs.

FINELINE WOODWORKING, INC., a
California Corporation, FINELINE
ARCHITECTURAL MILLWORK, INC., a
California Corporation; and DOES 1-50,
Inclusive,

Defendants.

Case No.: 30-2021-01208607-CU-OE-CXC

NOTICE OF RULING

Hearing Date: April 8, 2022

Hearing Time: 10:00 a.m.

Dept.: CX105

Judge: Randall J. Sherman

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE**, that on April 8, 2022, at 10:00 a.m., the Motion for Preliminary
3 Approval of Class Action Settlement in the above-referenced matter was heard in Department CX105
4 of the above-entitled court before the Honorable Randall J. Sherman, presiding.

5 At the hearing, the Court issued the following rulings and orders:

6 1. The Court continues Plaintiff's Motion for Preliminary Approval of Class Action
7 Settlement to May 20, 2022 at 10:00am;

8 2. Counsel must file supplemental papers sixteen (16) days before the next hearing date.
9 The revised papers should include:

- 10 • Amendment to the Settlement Agreement;
- 11 • Red-lined version of any revised papers, including the class notice;
- 12 • Explanation of how the pending issues were resolved;

13 3. Counsel must include the estimated average payment to class members in the Motion
14 for Final Approval Papers;

15 4. Counsel should propose a realistic Final Approval hearing date;

16 5. Plaintiff's Declaration in Support of Enhancement request must be filed sixteen (16)
17 calendar days before the Final Approval Hearing date;

18 6. The Status Conference scheduled for July 8, 2022, is ordered off calendar;

19 7. Plaintiff is ordered to give notice of ruling to the LWDA, and to serve the LWDA with
20 the following:

- 21 • Original moving papers;
- 22 • Any new moving papers filed for future hearings.

23 8. Plaintiff is ordered to file a proof of service with the Court showing service of the filed
24 moving papers with the LWDA;

25 9. Plaintiff to give notice.

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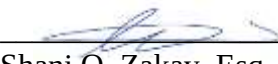
1 Attached hereto as Exhibit “A” is a true and correct copy of the Court’s April 8, 2022, Minute
2 Order.

3 Dated: April 14, 2022

ZAKAY LAW GROUP, APLC

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Shani O. Zakay, Esq.
Attorneys for Plaintiff

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EXHIBIT A

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER**

MINUTE ORDER

DATE: 04/08/2022

TIME: 10:00:00 AM

DEPT: CX105

JUDICIAL OFFICER PRESIDING: Randall J. Sherman

CLERK: Jason Phu

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: Jose F Boc

CASE NO: **30-2021-01208607-CU-OE-CXC** CASE INIT.DATE: 06/29/2021

CASE TITLE: **Vejar vs. Fineline Woodworking, Inc.**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT ID/DOCUMENT ID: 73719986

EVENT TYPE: Motion - Other

MOVING PARTY: Omar Vejar

CAUSAL DOCUMENT/DATE FILED: Motion - Other For Preliminary Approval of Class Action Settlement, 03/04/2022

APPEARANCES

Shani Zakay, from JCL Law Firm, APC, present for Plaintiff(s) telephonically.

Charles C. McKenna, from FitzGerald Yap Kreditor LLP, present for Defendant(s) remotely.

Tentative Ruling posted on the Internet .

Discussions held between the Court and counsel regarding an earlier continuance date. The Court grants the request for an earlier hearing date.

The Court modifies and confirms the tentative ruling as follows:

The Court continues the hearing on plaintiff's Motion for Preliminary Approval of Class Action Settlement to **May 20, 2022 at 10:00 a.m.** Counsel must file supplemental papers addressing the court's concerns (not fully revised papers that would have to be re-read) at least 16 days before the next hearing date. Counsel should submit an amendment to the settlement agreement rather than any amended settlement agreement. Counsel also should provide a red-lined version of any revised papers, including the class notice. Counsel also should provide the court with an explanation of how the pending issues were resolved, with references to any corrections to the settlement agreement and the class notice, rather than with just a supplemental declaration or brief that simply asserts the issues have been resolved.

Counsel must disclose whether there are any other pending class action, individual, or PAGA lawsuits, whether filed with a court or in the pre-filing LWDA waiting period, that could be affected by this settlement.

Although the motion provides the estimated average payment to class members under the proposed settlement, it fails to provide the estimated high and low payments. Those estimates are needed to assist the court in properly determining the fairness of the proposed settlement to the class. If those figures are not available now, they must be provided in the motion for final approval.

The allocation of only 10% of the settlement payments for wages appears to be low. The breakdown in ¶24 of the Lapuyade declaration allocates approximately 73% of the class members' potential recovery

to wages. Either an increase to 33 1/3% or an explanation of why the figure is not at least 33 1/3% is required.

The reference to the Unclaimed Property Law in Section II.M.8 of the Settlement Agreement should be to CCP §§1500 et seq., not to the Civil Code.

There is no information as to how many of the class members speak and/or read English, which might require the class notice to include a translated version in a second (or more) language.

In the class notice on p. 5 in §9, counsel should add Department CX105 to the location of the Final Approval Hearing.

In the Request for Exclusion form attached to the class notice, delete the stray end-quote at the end of Section II, and modify the last sentence of Section II to change, "I will receive no money from the Settlement" to "I will receive no money from the class action portion of the Settlement".

Counsel should propose a realistic Final Approval Hearing date, bearing in mind that all papers in support of the Final Approval Hearing, including detailed hourly breakdowns of plaintiff's attorneys to support a lodestar cross-check, detailed plaintiff attorney cost breakdowns, an Administrator declaration and invoice, and plaintiff's declaration to support the enhancement request, must be filed at least 16 calendar days before the Final Approval Hearing date, to provide enough time for court review, and must be served in compliance with C.C.P. notice of motion requirements.

The Status Conference set for July 8, 2022 is ordered off calendar.

Plaintiff has not shown that he served the LWDA with his moving papers. Plaintiff is ordered to give notice of the ruling to the LWDA, and to serve the LWDA with his original moving papers as well as any new papers filed for future hearings, and to file a proof of service showing such compliance.

Parties waive notice.