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6 Attorneys for Plaintiffs SHIRLEY GOEMAAT
and REHANA BALUCH

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER**

10 SHIRLEY GOEMAAT and REHANA
BALUCH, individually, and on behalf of all
11 others similarly situated,

12 Plaintiffs,

13 vs.

14 ORANGE COUNTY ASSOCIATION FOR
MENTAL HEALTH, a California Corporation;
15 and DOES 1 through 100, inclusive,

16 Defendants.

Case No.: 30-2019-01106371-CU-BT-CXC

*[Assigned for all purposes to the Hon. Peter
Wilson, Dept. CX102]*

COMPLEX CLASS ACTION

**PLAINTIFFS' NOTICE OF RULING ON
THE INTERESTED PARTIES AND UPON
THE LABOR AND WORKFORCE
DEVELOPMENT AGENCY**

PROOF OF SERVICE

Date: December 22, 2022
Time: 2:00 p.m.
Dept: CX101

Complaint filed: October 21, 2019
FAC filed: June 12, 2021
Trial date: None set

1 **TO: ALL PARTIES AND THEIR COUNSEL OF RECORD, AND TO THE LABOR**
2 **AND WORKFORCE DEVELOPMENT AGENCY:**

3 NOTICE IS GIVEN that on December 22, 2022, the Court issued a Minute Order in the
4 above-captioned matter. A true and correct copy of this Order is attached as Exhibit 1.

5 Plaintiff was ordered to give notice.

6
7 Dated: December 29, 2022

Respectfully submitted,
THE KICK LAW FIRM, APC

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10 By: _____

Taras Kick
Greg Taylor
Attorneys for Plaintiffs Shirley Goemaat,
Rehana Baluch and the Class

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Los Angeles, State of California, and not a party to the above-entitled cause. My business address is The Kick Law Firm, APC, 815 Moraga Drive, Los Angeles, CA 90049.

On **December 29, 2022**, I served the document(s) described as:

- **PLAINTIFFS' NOTICE OF RULING ON THE INTERESTED PARTIES AND UPON THE LABOR AND WORKFORCE DEVELOPMENT AGENCY**

ON THE INTERESTED PARTIES in this action by sending a true copy thereof to interested parties as follows:

Steven Amundson
Alina Sookasian
MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
801 S Figueroa St 15th Floor,
Los Angeles, CA 90017
sca@manningllp.com
aws@manningllp.com

Representing:
Defendant Orange County Association for
Mental Health

[X] **BY E-SERVICE:** Based on an agreement of the parties to accept service by e-mail transmission, a request that the party or parties, who have appeared and are represented by counsel identified below, or pursuant to California Rules of Court, Appendix I (Emergency Rules Related to COVID-19), Emergency rule 12 (Electronic service), I caused the documents to be sent to the person(s) at the address(es) at the e-mail address(es) listed below. The transmission was either reported as being sent, complete and without error, or I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

UPON LABOR AND WORKFORCE DEVELOPMENT AGENCY ("LWDA")

On December 29, 2022, the aforementioned document(s) were provided to the Labor and Workforce Development Agency (LWDA) by transmitting such document(s) electronically through the LWDA's website, <https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>, using the appropriate intake form. Attached as Exhibit 2 is a true and correct copy of the LWDA Confirmation of Receipt.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 29, 2022, in California.

/s/ Alina Muresan
Alina Muresan, Paralegal

EXHIBIT 1

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

MINUTE ORDER

DATE: 12/22/2022

TIME: 02:00:00 PM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: Peter Wilson

CLERK: N. Lau

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: I. Olivares

CASE NO: **30-2019-01106371-CU-BT-CXC** CASE INIT.DATE: 10/21/2019

CASE TITLE: **Goemaat vs. Orange County Association for Mental Health**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Business Tort

EVENT ID/DOCUMENT ID: 73818914

EVENT TYPE: Motion for Final Approval

MOVING PARTY: Shirley Goemaat

CAUSAL DOCUMENT/DATE FILED: Motion - Other For Final Approval of Class Action Settlement,
11/29/2022

APPEARANCES

Tentative Ruling posted on the Internet .

There are no appearances by any party.

The Court confirms the tentative ruling as follows:

The hearing on the Motion for Final Approval is CONTINUED to January 26, 2023 at 2:00 p.m. in department CX101 to permit the parties to respond to the following issues. A supplemental briefing shall be filed at least 9 days before the continued hearing and respond where necessary to the points raised below:

1. The Settlement Administrator should provide the names of the individuals who opted out. The names of those individuals should also be included in the proposed Order.
2. In calculating the Net Settlement Amount, the Settlement Administrator subtracted \$3,072.27 from the gross settlement for "Employers Taxes". However, Defendant is required to pay for its own taxes in addition to the gross settlement amount. See Settlement, ¶¶18 and 23. Additionally, the Settlement Administrator only deducted \$5,000 from the gross settlement for Plaintiffs' Service Awards. But Plaintiffs have requested \$10,000 each for a total of \$20,000. Plaintiffs' counsel should ensure that the Settlement Administrator is aware what disbursements may properly be deducted from the gross settlement and the correct amount.
3. The Settlement Administrator should provide the estimated lowest individual settlement payment and individual PAGA payment.
4. The Settlement Administrator should provide the estimated individual settlement payment and/or individual PAGA payment for each Plaintiff.

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5. The actual class size increased by 16 from the estimated class size. Do the parties anticipate that the increase in class size will trigger the escalator clause?
6. How will notice of the judgment be provided to the class? The method for providing notice should be included in the proposed Order.
7. Should the Settlement be approved, the Court will hold a status conference for a final accounting. Counsel shall submit a final report at least 10 days prior to that conference regarding the status of the settlement administration. Counsel should include a date for the final accounting in the proposed order. The Court holds final accounting hearings on Fridays at 9:00 am. The final accounting should occur after the deadline for class members to cash their checks. The final report must include all information necessary for the Court to determine the total amount actually paid to class members and any amounts tendered to the cy pres recipient, Public Counsel.
8. Plaintiff should identify all compensation they have or are anticipated to receive from this lawsuit and submit a declaration addressing the factors set forth in *Golba v. Dick's Sporting Goods, Inc.* (2015) 238 Cal.App.4th 1251, 1272 and *Clark v. Am. Residential Servs. LLC* (2009) 175 Cal.App.4th 785, 804, including an estimate of the hours spent on this litigation.
9. The proposed order is to be revised consistent with the issues addressed above.
10. Counsel's contact information should be removed from the caption page of the proposed Order.
11. In Paragraph 17, line 10, "and" should be replaced with "plus". Additionally, paragraph 17 should be simplified and state that the Court has approved the amounts of the disbursements as fair and reasonable and then itemize the disbursements and amounts.
12. Some of the paragraphs in the proposed order are misnumbered and should be corrected.
- Plaintiff is ordered to give notice, including to the LWDA and file a proof of service at least 5 court days before the continued hearing.