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Attorneys for Plaintiff Julio Ochoa, individually and
on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

JULIO OCHOA, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SPEECH AND LANGUAGE
DEVELOPMENT CENTER, INC.; and
DOES 1 through 25, inclusive

Defendants.

Case No. 30-2020-01143577-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:

The Honorable Lon F. Hurwitz

Department CX103

CLASS ACTION

**SUPPLEMENTAL BRIEF IN SUPPORT OF
MOTION FOR ORDER GRANTING
FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Set by Court Order - ROA #223

Date: August 30, 2024

Time: 1:30 p.m.

Dept: CX 103

Judge: Hon. Lon F. Hurwitz

Complaint filed: June 18, 2020

Trial date: Not set

Plaintiff's Motion for Order Granting Final Approval of Class Action Settlement, (ROA #215), was heard June 28, 2024. The Court adopted its tentative ruling on June 28, 2024. (ROA #223 – Minute Order). The Court continued the matter to August 30, 2024 at 1:30 p.m., with supplemental briefing to be filed on or before August 16, 2024.

Upon receipt of supplemental briefing, the Court will wait twenty-one (21) days, after which if the Court receives no opposition, the Court will sign the Order.

Plaintiff responds to each point in the Court's ruling as follows:

I. ESCALATOR CLAUSE (ROA #223, RULING NO. 1)

At preliminary approval, Defendant represented the Class worked 18,516 workweeks during the Class Period. Pursuant to paragraph 39 of the Amended Settlement Agreement and Release of Class and Representative Action (ROA #137), the Gross Settlement Amount would have increased by a proportionate percentage for all additional workweeks exceeding 10% of 18,516 workweeks. Supplemental Declaration of Jeff Geraci, ("Supp. Geraci Decl."), ¶13.

As of the date of this supplemental briefing, there are two hundred seventy-one (271) Class Members who worked an aggregate 18,812 weeks, a 1.6% increase, which did not trigger the escalator clause. Supp. Geraci Decl. ¶4; Supplemental Declaration of Lisa Pavlik on behalf of Simpluris, Inc., ("Supp. Simpluris Decl."), ¶4;

II. PAGA PAYMENTS TO AGGRIEVED EMPLOYEES (ROA #223, RULING NO. 2)

The one hundred and fifty-eight (158) Aggrieved Employees, who worked a combined 2,013 PAGA Pay Periods, will receive an average estimated PAGA payment of \$40.00, with the highest estimated payment of \$50.00, and lowest estimated payment of \$3.00. (rounded to nearest dollar). Supp. Simpluris Decl. ¶¶5, 6; Supp. Geraci Decl. ¶5.

III. ATTORNEYS' FEES & COSTS (ROA #223, RULING NO. 3)

Class Counsel requested costs of \$9,976.46, including \$50.25 for photocopies. (ROA #213 – Declaration of Jeff Geraci, Exh. 3, Itemized Costs). The photocopying costs have been omitted and costs of \$9,926.21 requested. Supp. Geraci Decl. ¶6. As requested, a copy of the May 9, 2021 Berger Consulting Group invoice for \$975.00 is provided. Supp. Geraci Decl. ¶7, Exh. 1 – Berger Invoice.

Class Counsel has reduced fees in the Proposed Order from \$250,000 to \$225,000 (30% of the GSA). Supp. Geraci Decl. ¶8.

IV. PROPOSED ORDER (ROA #223, RULING NO. 4)

The Proposed Order Granting Final Approval, filed concurrently with this supplemental briefing, was revised pursuant to the Court's instruction to delete attorney information on the caption page and provide for a final accounting declaration to be filed fourteen (14) calendar days before the hearing to confirm that settlement distribution efforts are complete. The amounts to be awarded for attorneys' fees and costs have been revised as described above. Supp. Geraci Decl. ¶9, Exh. 2 – Redlined Proposed Order.

V. SERVICE UPON LABOR AND WORKFORCE DEVELOPMENT AGENCY

On the same date this document and its exhibits are filed with the Court, they have been served upon Defendant and provided to the Labor and Workforce Development Agency ("LWDA") via the LWDA's website, using the appropriate intake form. Supp. Geraci Decl. ¶10, Exh. 3 –LWDA confirmation of Receipt.

Respectfully submitted,

LEBE LAW, APLC
COHELAN KHOURY & SINGER

Dated: July 18, 2024

By: _____


Jeff Geraci

Attorneys for Plaintiff Julio Ochoa, individually
and on behalf of all others similarly situated