

COHELAN KHOURY & SINGER

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

Jeff Geraci (SBN 151519)

jgeraci@ckslaw.com

605 C Street, Suite 200

San Diego, CA 92101

Telephone: (619) 595-3001

Facsimile: (619) 595-3000

LEBE LAW, APLC

Jonathan M. Lebe (SBN 284605)

jon@lebelaw.com

Zachary Gershman (SBN 328004)

zachary@lebelaw.com

777 S. Alameda Street, Second Floor

Los Angeles, CA 90021

Telephone: (213) 444-1973

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
PRELIMINARY APPROVAL**

Date: March 17, 2023

Time: 1:30 p.m.

Dept: CX103

Judge: Lon F. Hurwitz

Complaint filed: June 18, 2020

Trial date: Not set

The Court issued a tentative ruling, adopted October 21, 2022, on Plaintiff's Motion for Order Granting Preliminary Approval of Class Action Settlement. Plaintiff responds to each point in the Court's ruling. The Amended Joint Stipulation for Class Action Settlement ("Settlement Agreement" or "SA") is attached as Exhibit 1 (Exh. A - Notice of Class Action Settlement; Exh. B – Change of Address Form; Exh. C – Request for Exclusion Form; Exh. D – Objection Form; Exh. E – November 5, 2019 PAGA Notice) to the Supplemental Declaration of Jeff Geraci, ("Supp. Geraci Decl."), ¶3. Redline versions reflecting changes to the Amended Joint Stipulation for Class Action Settlement and Notice of Class Action Settlement are attached to the Supp. Geraci Decl. as Exhibits 2 and 3. *Id.* at ¶¶3, 4.

I. AMENDED SETTLEMENT AGREEMENT

A. Release of Claims

The Settlement Agreement has been amended to reflect separate releases for Class Members and PAGA Aggrieved Employees. SA ¶ 32; Supp. Geraci Decl. ¶5.

B. Amendments and Modifications

The Settlement Agreement has been amended to require Court approval for any amendments or modifications. SA ¶ 79; Supp. Geraci Decl. ¶6.

C. Class and PAGA Periods

The Settlement Agreement is amended to show Class and PAGA periods end March 13, 2020, as in the Class Notice and Proposed Order. SA ¶¶ 9, 25; Supp. Geraci Decl. ¶7.

II. CLASS NOTICE LANGUAGE, EXCLUSION AND OBJECTION FORMS

A. Notice is Given in English Only

Class members work in a school and perform duties which require reading instructions and communicating in English. The Parties agree class members are able to read and understand English and translation is unnecessary. Supp. Geraci Decl. ¶8.

B. Request for Exclusion and Objections Forms

Forms to request exclusion from and object to the settlement have been added as Exhibits "C" and "D" to the Settlement Agreement, and the Class Notice modified to explain their use. Supp. Geraci Decl. ¶9.

III. RELATED ACTIONS

After reasonable inquiry, the Parties are unaware of any class, representative, or collective action which may be influenced by the Settlement. Supp. Geraci Decl. ¶10.

IV. ADJUSTED CLASS SIZE AND WORKWEEKS

Because the Court requested estimated class member recoveries before preliminary approval, Defendant agreed to provide the proposed settlement administrator with all class data now, rather than following preliminary approval as is typical, to allow the administrator to make the necessary calculations. After analyzing the data, the estimates provided at mediation have been modified and the actual numbers inserted in the revised Settlement Agreement.

The adjustments are relatively slight, do not trigger the Agreement's escalator clause, nor alter the *Kullar* analysis. The Settlement continues to represent an excellent recovery for the class and is well within the "ballpark" of reasonableness. Supp. Geraci Decl. ¶10.

V. EXPECTED CLASS MEMBER AND PLAINTIFF RECOVERIES

Class Members are expected to receive an average payment of \$1,684.70, with lowest and highest payments of \$24.38 and \$3,365.04, respectively. Plaintiff Julio Ochoa is expected to receive \$3,365.04. Supp. Geraci Decl. ¶12.

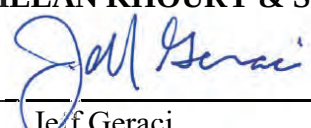
VI. PROPOSED ORDER

The Proposed Order to be submitted will be revised to refer to the Settlement Agreement by the Register of Action number and the Class Notice attached to the Order as Exhibit "1."

Respectfully submitted,

LEBE LAW, APLC
COHELAN KHOURY & SINGER

Dated: March 6, 2023

By:  _____

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