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Attorneys for Plaintiff Melinda James,
individually and on behalf of all similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

Melinda James individually and on behalf
of all similarly situated,

Plaintiff,

vs.

Coolsys Commercial & Industrial Solutions,
Inc.; Source Refrigeration & HVAC, Inc.;
and Does 1-10, Inclusive,

Defendants.

Case No.: 30-2020-01163014-CU-OE-CXC

Hon. Peter Wilson - Dept. CX-102

**PLAINTIFF'S SUPPLEMENTAL BRIEFING
ADDRESSING THE COURT'S MARCH 24,
2022 ORDER**

[Supplemental Declaration of Melinda James and
[Revised Proposed] Order Filed Concurrently
Herewith]

Hearing Information:

Date: April 21, 2022

Time: 2:00 p.m.

Location: Dept. CX-102

1 Plaintiff Melinda James (“Plaintiff”) respectfully submits this supplemental briefing
2 regarding the issues identified by the Court’s March 24, 2022 order. A revised Proposed Order is
3 being filed concurrently herewith.

4 1. Confirm that no opt outs, objections or disputes have been filed since the last declaration
5 by the Settlement Administrator.

6 Since the last declaration filed by the Settlement Administrator, there has been one late
7 opt-out submitted by Zehra Ceizar. Because her opt-out was received after the response deadline,
8 she is not included as a valid opt-out pursuant to the Court’s order granting preliminary approval.
9 Order Granting Preliminary Approval 5:11-14 (“Class Members who have not requested exclusion
10 by submitting a proper and timely Opt-Out request that is postmarked no later than the Opt-Out
11 Deadline, shall be bound by all determinations of the Court, the Settlement, and Judgment.”)

12 2. Why was one opt out deemed deficient and what is the current status?

13 The opt-out from Lisa Anderson was deficient because she did not timely request to opt-
14 out and her opt-out did not include the last four number of her social security number. The
15 deficiency with Ms. Anderson’s last four of her social security number was resolved with the
16 Settlement Administrator. However, because her opt-out was received after the response deadline,
17 she is not included as a valid opt-out pursuant to the Court’s order granting preliminary approval.
18 Order Granting Preliminary Approval 5:8-14 (“Any Opt-Out request must be in writing, clearly
19 state that the Class Member wishes to be excluded from the settlement of the Litigation and be
20 signed by each such Class Member opting out, and must otherwise comply with the requirements
21 delineated in the Stipulation and Class Notice. Class Members who have not requested exclusion
22 by submitting a proper and timely Opt-Out request that is postmarked no later than the Opt-Out
23 Deadline, shall be bound by all determinations of the Court, the Settlement, and Judgment.”)

24 3. The names of all those who opted out should be identified in the Proposed Order.

25 The opt-outs identified in the Proposed Order are Julie S. Costin, Jaclyn Lee Fernandez,
26 Susan Sandoval, Brittani Graves and Aurora Torres. These 5 Class Members who timely requested
27 to be excluded from the Class Settlement are also Eligible Aggrieved Employees; therefore they
28 are not excluded from the PAGA portion of the Settlement. See Revised Proposed Order 6:4-10.

1 4. Counsel should propose a new date for the final accounting hearing. Should the Settlement
2 be approved, the Court will hold a status conference for a final accounting. Counsel shall submit
3 a final report at least 10 days prior to that conference regarding the status of the settlement
4 administration. Counsel should include a date for the final accounting in the proposed order. The
5 Court holds final accounting hearing on Fridays at 9:00 am. The final accounting should occur
6 after the deadline for class members to cash their checks. The final report must include all
7 information necessary for the Court to determine the total amount actually paid to class members
8 and any amounts tendered to the State Controller's Office under Unclaimed Property law.

9 Plaintiff's Counsel proposes the final accounting hearing be set for January 6, 2023 at 9:00
10 a.m. in the Proposed Order. See Revised Proposed Order 8:8-16.

11 5. Plaintiff should provide an estimate of the amount of time she spent on this matter. Also,
12 what is Plaintiff's estimated individual settlement share and PAGA payment? Is Plaintiff being
13 paid any other amounts for her individual claims and general release?

14 Plaintiff estimates she spent approximately 18.9 hours on this matter, which includes
15 communicating with her attorneys throughout the case and reviewing the settlement agreement,
16 including revisions. Plaintiff's estimated class settlement payment is \$73.64 and her estimated
17 PAGA payment is \$3.22. Plaintiff received a \$20,000 individual settlement for her individual
18 claims, including wrongful termination, and for providing a general release. Plaintiff's
19 Supplemental Declaration.

20 6. The Proposed Order is to be revised consistent with the issues addressed above, including
21 paragraph 6 regarding the opt outs.

22 The Proposed Order has been revised consistent with the issues addressed above, including
23 paragraph 6 regarding the opt outs. See Revised Proposed Order 6:4-10.

24 7. The Proposed Order identifies the settling defendants as Defendants Coolsys Commercial
25 & Industrial Solutions, Inc. and Source Refrigeration & HVAC, Inc. Proposed Order, p. 2:2-3.
26 This should be revised to be consistent with the Settlement Agreement. ROA 104, Ex. A, p. 1.

27 The Proposed Order has been revised to be consistent with the settlement agreement. See
28 Revised Proposed Order 2:2-4.

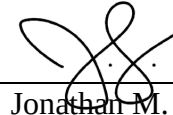
1 8. The reference to a finding of good faith pursuant to CCP § 877.6 in paragraph 1 of the
2 proposed Order should be deleted.

3 The reference to a finding of good faith pursuant to CCP § 877.6 in paragraph 1 in the
4 Proposed Order has been deleted. See Revised Proposed Order 5:4-8.

5 Dated: April 12, 2022

Lebe Law, APLC

6
7 By:



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10 Attorneys for Plaintiff Melinda James, individually and on
11 behalf of all similarly situated
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