

DOUGLAS HAN (SBN 232858)
SHUNT TATAVOS-GHARAJEH (SBN 272164)
JASON ROTHMAN (SBN 304961)
JUSTICE LAW CORPORATION
751 N. Fair Oaks Avenue, Suite 101
Pasadena, California 91103
Telephone: (818) 230-7502
Facsimile: (818) 230-7259

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

ADRIAN ESCOBEDO, individually, on behalf
of other members of the general public similarly
situated;

Plaintiff,

v.

AMERIPEC, INC., a California corporation; and
DOES 1 through 100, inclusive;

Defendants.

Case No.: 30-2020-01170846-CU-OE-CXC

Assigned for All Purposes to:
Honorable Peter Wilson
Department CX-102

CLASS ACTION

**SECOND PLAINTIFF'S
SUPPLEMENTAL BRIEF IN SUPPORT
OF PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

*[Second Supplemental Declaration of
Proposed Class Counsel (Douglas Han);
and Second Amended [Proposed] Order
filed concurrently herewith]*

Hearing Date: September 15, 2022
Hearing Time: 2:00 p.m.
Hearing Place: Department CX-102

Complaint Filed: November 18, 2020
FAC Filed: April 14, 2022
Trial Date: None Set

Plaintiff Adrian Escobedo (“Plaintiff”) provides this supplemental submission in response to the Court’s tentative ruling on Plaintiff’s Motion For Preliminary Approval of Class Action Settlement, Conditional Certification, Approval of Class Notice, Setting of Final Approval Hearing Date; Memorandum of Points and Authorities In Support Thereof (the “Motion”) originally scheduled for hearing on August 18, 2022. The Motion was continued to September 15, 2022 with instructions to address the issues outlined in the ruling.

The chart below lists each of the Court’s concerns from the tentative ruling and the revisions/submissions made to address each concern.

Ruling	Revisions/Submissions
(1) The definition of PAGA Released Claims is limited to civil penalties but makes no reference to the PAGA statute. ROA 133, Ex. 2, Amendment, ¶II.1; ROA 133, Class Notice, Ex. 3, §14.	(Second Supplemental Declaration of Douglas Han In Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement (“Second Supp. Han Decl.”), ¶ 9; Exhibit 2, § II(1).) (Second Supp. Han Decl., <i>supra</i> , at ¶ 10; Exhibit 4, § 14.)
(2) In the Class Notice, the explanation of the Released Parties should use the defined terms “Released Claims” and “PAGA Released Claims” to make it clear what claims are being released against the Released Parties.	(Second Supp. Han Decl., <i>supra</i> , at ¶ 11; Exhibit 4, <i>supra</i> , at § 14.)
(3) The releases should also include the time frames for the releases.	(Second Supp. Han Decl., <i>supra</i> , at ¶ 12; Exhibit 2, <i>supra</i> , at §§ II(1), II(2).) (Second Supp. Han Decl., <i>supra</i> , at ¶ 13;

1		Exhibit 4, <i>supra</i> , at § 14.)
2	(4) Why should the written objections, instead	(Second Supp. Han Decl., <i>supra</i> , at ¶ 14.)
3	of the exclusion request, govern?	
4		(Second Supp. Han Decl., <i>supra</i> , at ¶ 15;
5		Exhibit 2, <i>supra</i> , at § II(3).)
6		
7		(Second Supp. Han Decl., <i>supra</i> , at ¶ 16;
8		Exhibit 4, <i>supra</i> , at § 9.)
9		
10		(Second Supp. Han Decl., <i>supra</i> , at ¶ 17;
11		Exhibit 5, p. 1.)
12		
13		(Second Supp. Han Decl., <i>supra</i> , at ¶ 18;
14		Exhibit 6, ¶ 17.)
15	(5) Neither the Settlement nor the Amendment	(Second Supp. Han Decl., <i>supra</i> , at ¶ 19;
16	permit objections to be faxed (ROA 133, Ex.	Exhibit 4, <i>supra</i> , at §§ 9, 16.)
17	2, ¶II.4 and Ex. 3, §9); yet the Class Notice	
18	references faxed objections.	
19	(6) The parties should propose a date for the	(Second Supp. Han Decl., <i>supra</i> , at ¶ 20;
20	final approval hearing. Final approval	Exhibit 6, <i>supra</i> , at ¶ 23.)
21	hearings are held on Thursdays at 2:00 p.m.	
22	(7) Updated Spanish translations of the Class	(Second Supp. Han Decl., <i>supra</i> , at ¶ 21;
23	Notice and Exclusion Form.	Exhibit 6, <i>supra</i> , at ¶¶ 7, 8.)

Dated: September 2, 2022

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By: 
Douglas Han
Attorneys for Plaintiff

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