

DOUGLAS HAN (SBN 232858)
SHUNT TATAVOS-GHARAJEH (SBN 272164)
PHILLIP SONG (SBN 326572)
HAIG HOGDANIAN (SBN 334699)
JUSTICE LAW CORPORATION
751 North Fair Oaks Avenue, Suite 101
Pasadena, California 91103
Telephone: (818) 230-7502
Facsimile: (818) 230-7259

Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

RASON WILLIAMS, individually, and on
behalf of other members of the general
public similarly situated;

Plaintiffs,

v.

NATIONAL CONSTRUCTION
RENTALS, INC., a California corporation;
and DOES 1 through 100, inclusive;

Defendants.

Case No.: RG20075904

Honorable Brad Seligman
Department 23

CLASS ACTION

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN
SUPPORT OF PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

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

Hearing Date: August 31, 2021
Hearing Time: 3:00 p.m.
Hearing Place: Department 23

Complaint Filed: September 23, 2020
FAC Filed: November 17, 2020
Jury Trial: None Set

1 Plaintiffs Rason Williams, Quiandre Tate, and Matthew Pullen (“Plaintiffs”) provide this
2 supplemental submission in response to the Court’s tentative ruling on Plaintiffs’ Motion for
3 Preliminary Approval of Class Action Settlement originally scheduled for hearing on July 28, 2021.
4 On July 27, 2021, the Court continued the Motion to August 31, 2021, with instructions to address
5 the concerns outlined in the ruling.

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

Ruling	Revisions/Submissions
1) The class period (back to 4/16) appears to extend beyond the statute limitations (case filed 9/20). What justifies this?	The Class Period dates back to April 6, 2016, which appears to extend beyond the statute of limitations since this case was filed September 23, 2020. This is justified because the California Judicial Council’s Emergency Rule 9 stated that all statutes of limitations for civil causes of action that exceed one hundred eighty (180) days are tolled from April 6, 2016 to October 1, 2020. Consequently, Class Counsel went back to the date of the beginning of the tolling period, which is April 6, 2016. See the Supplemental Declaration of Douglas Han In Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (“Supp. Han Decl.”) ¶ 7.
2) The express allegedly illegal policies continued until 1/17. It would appear that certification and merits risk is lower than for later periods. Shouldn’t these stronger claims	Whether the meal and rest period policy was facially non-compliant until January 2017, did not significantly affect the exposure analysis. While certification during that time could have

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get a greater share of the recovery?	been easier due to the facial violation, it did not make claims during that period any more significant than the later period of time. The putative class members are field workers – they deliver, set up, and remove fences, portable restrooms, and construction equipment. The driving theory of the meal and rest break case dealt with non-compliant practices during the entire class period. This is because the primary issue was supervisors pressuring employees to finish their work, which often came at the expense of receiving compliant meal and rest breaks. In other words, Plaintiffs argued that while Defendant’s allegedly illegal policies were a concern to be raised, they were not the central focus of these claims. Instead, Defendant’s allegedly improper, uniform practices was the driving force of Plaintiffs’ meal and rest break claims. . <i>See Supp. Han Decl. ¶ 8.</i>
3) Extent of discovery and investigation is very vaguely defined. The extent of any sampling is also very vaguely defined. Court requires more specifics including number of depositions taken, % of any sampling, number of class members interviewed and number and type of	With regards to discovery and investigation, Class Counsel received personnel records from five (5) individuals that totaled seven hundred twenty-six (726). Class Counsel also conducted seventeen (17) detailed interviews with putative class members in preparation for mediation and

1 documents produced.	litigation. Next, Class Counsel obtained a twenty percent (20) sample of time and pay data of one hundred fifty (150) individuals, which equated to approximately twelve thousand (12,000) of lines of data, including class size, number of workweeks and Private Attorneys General Act of 2004 (“PAGA”) pay periods, and Labor Code sections 203 and 226 information. Finally, Class Counsel received employee handbooks, meal break waivers, policy documents, and documents pertaining to Defendant’s incentive plans, which totaled two hundred twenty-one (221) pages.
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15	<i>See</i> Supp. Han Decl. ¶ 9.
16 4) The response period for remailed class	Per the Court’s suggestion, the time to respond
17 notices (10 days) is too short, especially if a	has been expanded to the remainder of the
18 class member contests his or her share. Why	response period plus an additional fourteen (14)
19 shouldn’t the same response time be provided	days.
20 for remailed notices as for initial notice?	<i>See</i> Supp. Han Decl. ¶ 10; Exhibit 2 , §
21	III(I)(2)(d); Exhibit 3 , §§ 7-8.
22 5) The court will not approve sending	The Parties have designated the nonprofit
23 unclaimed funds to Controller, as this is	organization Legal Aid At Work as the <i>cy pres</i>
24 inconsistent with CCP 384. Parties should	recipient.
25 select a <i>cy pres</i> recipient consistent with CCP	
26 384.	<i>See</i> Supp. Han Decl. ¶ 11; Exhibit 2 , §§ III(G),
27	III(I)(10); Exhibit 3 , § 10.
28 6) Class notice should not instruct class	This instruction has been modified.

1 members to call clerk - - email only should be
2 provided and it should be D23 clerk.

See Supp. Han Decl. ¶ 12; Exhibit 3, § 8.

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4 Dated: August 19, 2021

JUSTICE LAW CORPORATION

5
6 By: 

Douglas Han
Shunt Tatavos-Gharajeh
Phillip Song
Haig Hogdanian
Attorneys for Plaintiff

**PROOF OF SERVICE
1013A(3) CCP**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 751 N. Fair Oaks Ave., Ste. 101 Pasadena, California 91103. My electronic service address is aokada@justicelawcorp.com

On August 19, 21, I served the foregoing document described as

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN SUPPORT OF PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

for the following case: **Williams v. National Construction Rentals, Inc.**
LWDA/Court Case No.: **LWDA-CM- 804398-20**
RG20075904
Alameda County Superior Court

on interested parties in this action by electronically submitting as follows:

State of California
Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

[X] BY ELECTRONIC SUBMISSION

Pursuant to California Senate Bill No. 836, I caused the documents described above to be electronically submitted by and through the procedure stated on the website of the State of California Labor and Workforce Development Agency.

[X] STATE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 19, 2021, at Pasadena, California.



Anna Okada