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Attorneys for Plaintiff

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

ANNMARIE ALBANEZ, individually, and
on behalf of other members of the general
public similarly situated;

Plaintiff,

v.

OCMBC, INC., a California corporation
d/b/a LOANSTREAM MORTGAGE; and
DOES 1 through 100, inclusive;

Defendants

Case No. 30-2019-01078636-CU-OE-CXC

Honorable Glenda Sanders
Department CX-101

CLASS ACTION

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

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

Date: October 21, 2021
Time: 2:00 p.m.
Place: Department CX-101

Complaint Filed: June 24, 2019
FAC Filed: November 16, 2020
Trial Date: None Set

1 Plaintiff Annmarie Albanez (“Plaintiff”) provides this supplemental submission in response
2 to the Court’s tentative ruling on Plaintiff’s Motion for Preliminary Approval of Class Action
3 Settlement (the “Motion”) originally scheduled for hearing on April 22, 2021. The Motion was
4 continued several times until it was continued to October 21, 2021 with instructions to address the
5 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) Did Defendant alter its policies or procedures in connection with the litigation or settlement this matter?	<i>See</i> the Declaration of Defendant’s Co-Chairman and Chief Administrative Officer Madelina Colon (“Supp. Han Decl.”) ¶ 7, Exhibit 5 .
(2) Explain how the allocation of wages, penalties, and interest was reached.	The settlement payout to the settlement class will be computed as eighty percent (80%) as penalties, reimbursement, and interest and twenty percent (20%) as wages. This allocation of wages, penalties, and interest was reached based on the realistic exposure Plaintiff could expect to receive for meal penalties, rest penalties, and unpaid wages due to rounding if this case went to trial. While unpaid wages due to rounding qualifies as wages, failure to pay premium wages for noncompliant meal and rest breaks could be characterized as wages or penalties. As a result, the Parties added the realistic exposure for meal penalties and rest penalties (\$169,360.84 + \$137,143.42 = \$306,504.26) and divided the sum in half to

1		represent one half for wages and one half for
2		penalties (\$153,252.13). The Parties then added
3		the \$153,252.13 representing wages to the low
4		end of the realistic exposure for unpaid wages
5		due to rounding ($\$153,252.13 + \$15,227.47 =$
6		$\$168,479.60$). This realistic exposure of
7		$\$168,479.42$ that Plaintiff can expect to receive
8		for the wage portion of meal penalties, rest
9		penalties, and unpaid wages due to rounding
10		equates to almost nineteen percent (18.98%) of
11		the low end of the realistic exposure of the
12		maximum total exposure ($\$887,831.73$). ¹
13		Because this represents almost twenty percent
14		(20%) of wages, the Parties determined that
15		allocating twenty percent (20%) as wages and
16		eighty percent (80%) as penalties,
17		reimbursement, and interest pursuant to the
18		Amended Settlement Agreement was
19		appropriate.
20		
21		<i>See Supp. Han Decl. ¶ 8.</i>
22	(3) The release language included in the	The release language included in the Amended
23	Stipulation and the release language included in	Stipulation of Resolution has been replaced
24	the Notice should be identical. The Court	with the simpler release language contained in
25	prefers the simpler language contained in the	the Notice Packet to ensure that the release
26	Notice.	language is almost identical throughout the

¹ See Declaration of Douglas Han in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement that was originally filed on March 17, 2021. Specifically, paragraph 57 on page 20 shows how the low end of the realistic exposure of the maximum total exposure was obtained.

	settlement documents <i>See</i> Supp. Han Decl. ¶ 9, Exhibit 2 ¶¶ A.27, A.29.
(4) The Proposed Order should identify the Settlement by ROA number, attach the Notice as an Exhibit, and include the Release language.	The Revised Proposed Order has been modified to: (a) identify the Settlement by Register of Actions number; (b) attach the Notice Packet as an exhibit; and (c) include the release language. <i>See</i> Supp. Han Decl. ¶ 10.

Dated: October 8, 2021

JUSTICE LAW CORPORATION

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

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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 Avenue, Suite 101, Pasadena, CA 91103 and my electronic service address is mking@justicelawcorp.com

On October 11, 2021, I served the foregoing document described as

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

for the following case: **Albanez v. OCMBC, Inc.**
LWDA/Court Case No.: **LWDA Case No.: CM-803181-20**
Court Case No.: 30-2019-01078636-CU-OE-CXC
Orange 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

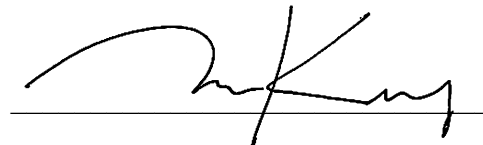
[X] BY ELECTRONIC SUBMISSION

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 October 11, 2021, at Pasadena, California.



Madeline King