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Attorneys for Plaintiff

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

NICOLE GRIMES, individually, and on behalf
of other members of the general public similarly
situated;

Plaintiff,

v.

PACIFIC CARDIOVASCULAR
ASSOCIATES MEDICAL GROUP, INC., a
California corporation; and DOES 1 through
100, inclusive;

Defendants.

Case No.: 30-2020-01168857-CU-OE-CXC

Assigned for All Purposes to:
Honorable Lon F. Hurwitz
Department CX-103

CLASS ACTION

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

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

Hearing Date: July 26, 2024
Hearing Time: 1:30 p.m.
Hearing Place: Department CX-103

Complaint Filed: November 5, 2020
FAC Filed: November 20, 2023
Trial Date: None Set

Plaintiff Nicole Grimes (“Plaintiff”) provide this supplemental submission in response to the Court’s tentative ruling on Plaintiff’s Motion for Preliminary Approval of Class Action Settlement. On April 5, 2024, prior to the originally scheduled Preliminary Approval Hearing, the Court issued a tentative ruling ordering Plaintiff and Defendants Pacific Cardiovascular Associates Medical Group, Inc. and Via Vitae MSO, LLC (“Defendants”) to file additional information and continuing the Preliminary Approval Hearing to July 26, 2024 at 1:30 p.m.

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

Ruling	Revisions/Submissions
(1) Although estimated workweeks is based on Class Period, date upon which Escalator Clause is based does not match end date of Class Period.	The Settlement Agreement has been amended accordingly. (Supplemental Declaration of Douglas Han in Support of Motion for Preliminary Approval of Class Action Settlement (“Supp. Han Decl.”), ¶ 6; Exhibits 2, <i>supra</i> , at § III(O)(22).)
(2) Release should not include FEHA-based claims or claims unrelated to SAC/LWDA letter.	The Settlement Agreement has been amended accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 7; Exhibit 2, <i>supra</i> , at § III(M).)
(3) Court prefers 45-day period to submit opt out request after remailing of Notice Packet. Settlement should state that Court has final say over determination of validity of opt out request. Court prefers 45-day period to submit objections after emailing of Notice Packet.	The Settlement Agreement has been amended accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 8; Exhibit 2, <i>supra</i> , at §§ I(KK), III(J)(2)(c), III(J)(2)(d), III(J)(3), III(J)(4), III(J)(4)(d).) The Class Notice has been amended

1 2 3	Court prefers 45-day period to submit disputes after remailing of Notice Packet.	accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 8; Exhibit 4, <i>supra</i> , at §§ 6, 7.)
4 5 6 7	(4) Counsel must disclose fee-splitting arrangement, if any, or attest there is none. At Final Approval, counsel must provide billing statement or summary of fees incurred.	(Supp Han Decl., <i>supra</i> , at ¶ 9.)
8 9 10 11 12 13 14	(5) Enhancement of \$10,000 is considerably more than the \$5,000 usually approved by the Court. Counsel and Plaintiff must provide detailed declarations, including estimates of time spent by Plaintiff on various tasks and discussion of risks, to support request for such a high enhancement.	(Supp Han Decl., <i>supra</i> , at ¶ 10.)
15 16 17 18 19 20 21 22 23	(6) Settlement must state that administrator will post operative Complaint, Settlement Agreement, Notice Packet, Order for Preliminary Approval, and Final Judgment on website.	The Settlement Agreement has been amended accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 11; Exhibit 2, <i>supra</i> , at § III(I).) The Class Notice has been amended accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 11; Exhibit 4, <i>supra</i> , at § 13.)
24 25 26	(7) Counsel must provide copy of Plaintiff's PAGA notice letter sent to the LWDA.	(Supp Han Decl., <i>supra</i> , at ¶ 12; Exhibit 5.)

(8) Settlement should state continuing jurisdiction is pursuant to CCP § 664.6 and CRC 3.769(h).	The Settlement Agreement has been amended accordingly. (Supp Han Decl., <i>supra</i>, at ¶ 13; Exhibit 2, <i>supra</i>, at § III(O)(24).) The Class Notice has been amended accordingly. (Supp Han Decl., <i>supra</i>, at ¶ 13; Exhibit 4, <i>supra</i>, at § 13.)
(9) Class Notice should be revised consistent with the issues identified above.	The Class Notice has been revised to be consistent with the revisions made above.
(10) Title of Class Notice should state it is for Class Action and PAGA Settlement.	The Class Notice has been amended accordingly. (Supp Han Decl., <i>supra</i>, at ¶ 14; Exhibit 4, <i>supra</i>, at p. 1.) The Settlement Agreement has been amended accordingly. (Supp Han Decl., <i>supra</i>, at ¶ 14; Exhibit 2, <i>supra</i>, at § I(I).)
(11) Third paragraph in Section 7 should exclude reference to objections to Settlement.	The Class Notice has been amended accordingly. (Supp Han Decl., <i>supra</i>, at ¶ 15; Exhibit 4, <i>supra</i>, at § 7.)

1 2 3 4 5	(12) Class Notice should state that settlement administrator will post operative Complaint, Settlement Agreement, preliminary and final approval orders, and Final Judgment on its website.	The Class Notice has been amended accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 16; Exhibit 4, <i>supra</i> , at § 13.)
6 7 8 9	(13) Proposed Order is to be revised consistent with the issues identified above.	The Proposed Order has been revised to be consistent with the revisions made above. (Supp Han Decl., <i>supra</i> , at ¶ 17; Exhibit 6, <i>supra</i> , at ¶¶ 1, 3, 4, 15.)
10 11 12 13	(14) Caption of Proposed Order should include reference to PAGA Settlement.	The Proposed Order has been amended accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 18; Exhibit 6, <i>supra</i> , at p. 1.)
14 15 16 17	(15) Opening paragraph should state actual date of preliminary approval hearing.	The Proposed Order has been amended accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 19; Exhibit 6, <i>supra</i> , at p. 2.)
18 19 20 21	(16) In Paragraph 1, Settlement Agreement must be identified by the ROA number of the declaration to which it is attached.	The Proposed Order has been amended accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 20; Exhibit 6, <i>supra</i> , at ¶ 1.)
22 23 24 25 26	(17) Proposed Order should provide actual proposed date for Final Approval hearing.	The Proposed Order has been amended accordingly. (Supp Han Decl., <i>supra</i> , at ¶ 21; Exhibit 6, <i>supra</i> , at ¶ 26(f).)

(18) Proposed Order should provide street address of courthouse, including Department number, where Final Approval hearing will be held.

The Proposed Order has been amended accordingly.
(Supp Han Decl., *supra*, at ¶ 22; Exhibit 6, *supra*, at ¶ 26(f).)

(19) Paragraph should be added regarding Court's continuing jurisdiction.

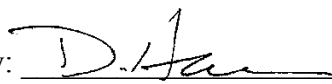
The Proposed Order has been amended accordingly.
(Supp Han Decl., *supra*, at ¶ 23; Exhibit 6, *supra*, at ¶ 24.)

(20) Should include requirement that at Final Approval, settlement administrator must provide copy of its invoice with an affidavit regarding administration of the Settlement.

The Proposed Order has been amended accordingly.
(Supp Han Decl., *supra*, at ¶ 24; Exhibit 6, *supra*, at ¶ 25.)

Dated: May 28, 2024

JUSTICE LAW CORPORATION

By: 
Douglas Han
Attorney for Plaintiff

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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 shanneyan@justicelawcorp.com

PROOF OF SERVICE