

C. E. Kimberly Lind, SBN 275635

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Attorney for Plaintiff, HEATHER GREEN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE, CIVIL COMPLEX CENTER

HEATHER GREEN, in her representative
capacity, on behalf of all aggrieved employees,

Plaintiff,

vs.

NEUINTEL, LLC, A California Limited
Liability Company, dba PRICESPIDER; and
DOES 1 through 50, inclusive,

Defendants.

Case No. **30-2020-01172202-CU-OE-CXC**

*Assigned for all purposes to The Honorable Randall J.
Sherman in Dept. CX-105*

NOTICE OF RULING

Hearing Date: April 21, 2022
Hearing Time: 10:00am
Hearing Department: CX-105

TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 21, 2022 at 10:00am in Dept CX-105, the Parties in the
above entitled matter appeared before the Hon. Randall J. Sherman for hearing on Plaintiff's Motion
for Court Approval of PAGA Settlement, as follows:

Plaintiff Heather Green appeared telephonically by and through her attorney of record
Kimberly Lind. Defendant Neuintel, LLC appeared remotely by and through its attorney of record
Nancy Rader Whitehead.

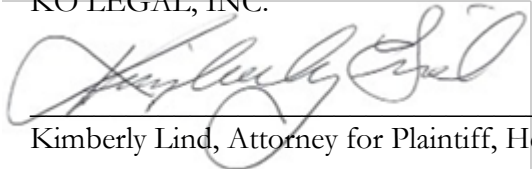
The hearing on plaintiff's Motion was continued to July 1, 2022 at 10:00am in Dept CX-105,
to address the court's concerns outlined in the Minute Order attached hereto as Exhibit A.

NOTICE OF RULING

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Counsel for Plaintiff was ordered to give Notice.

Dated: May 24, 2022

—KO LEGAL, INC.—


Kimberly Lind, Attorney for Plaintiff, Heather Green

EXHIBIT A

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER**

MINUTE ORDER

DATE: 04/21/2022

TIME: 10:00:00 AM

DEPT: CX105

JUDICIAL OFFICER PRESIDING: Randall J. Sherman

CLERK: J. Phu

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: J. F Boc

CASE NO: **30-2020-01172202-CU-OE-CXC** CASE INIT.DATE: 11/25/2020

CASE TITLE: **Green vs. Neuintel, LLC**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT ID/DOCUMENT ID: 73719978

EVENT TYPE: Motion for Final Approval

MOVING PARTY: Heather Green

CAUSAL DOCUMENT/DATE FILED: Motion - Other For Approval of the settlement of PAGA,
03/07/2022

APPEARANCES

Kimberly Lind, from KO Legal, Inc., present for Plaintiff(s) telephonically.

Nancy Rader Whitehead, from SCOTT & WHITEHEAD, present for Defendant, Plaintiff(s) remotely.

Tentative Ruling posted on the Internet .

Plaintiff's request to have an earlier continuance date is granted by the Court.

The Court modifies and confirms the tentative ruling as follows:

The tentative ruling is to continue the hearing on plaintiff's Motion for Court Approval of the Settlement of the California Labor Code Section 2699 et seq., Private Attorneys General Act (PAGA), Claim to **July 1, 2022 at 10:00 a.m.** Counsel must file supplemental papers addressing the court's concerns (not fully revised papers that would have to be reread) no later than two weeks before the next hearing date. Counsel must submit an amendment to the settlement agreement rather than any amended settlement agreement. Counsel also must provide a red-lined version of any revised papers.

Because a PAGA settlement binds the State and forecloses other employees' PAGA actions that are based on the claims being settled, counsel must disclose whether there are any other pending class action, individual, or PAGA lawsuits, whether filed with a court or in the pre-filing LWDA waiting period, that could be affected by this settlement.

The motion fails to provide the court with the estimated high and low payments to be paid to the aggrieved employees based on their workweeks, information that would enable the court to better evaluate the reasonableness of the settlement.

The Declaration of Kimberly Lind states that counsel seeks \$3,250.00 in attorney costs. However, the Settlement Agreement in §16.D and the moving papers state that counsel seeks \$3,520.00 in attorney costs. Counsel should clarify the amount of attorney costs requested.

The Settlement Agreement in §20 provides that checks issued to the aggrieved employees must be

cashied within 180 days from the date the checks are mailed. The settlement agreement should clarify whether aggrieved employees whose checks have been remailed have 180 days to cash their checks from the original date of mailing or from the date of remailing. Some reasonable time after any remailing must be provided.

The Settlement Agreement in §20 also should specify that the amount of any uncashed checks that are distributed to the State Controller's Office Unclaimed Property Fund will be in the names of the applicable payees.

Plaintiff has not submitted her attorneys' bills or a detailed hourly breakdown of her attorneys' hours to support the court's review of the attorneys' fees request. The summary chart with just each attorney's total time spent on the case is insufficient. A more detailed hourly breakdown of plaintiff's attorneys' hours is required.

The proposed letter to be sent to the aggrieved employees with their penalty checks explains the purpose of the checks, but it fails to explain that no claims for any unpaid or underpaid wages have settled, and that this settlement is without prejudice to any pursuit of such claims. The letter must be revised accordingly.

The parties must submit a Proposed Order that incorporates the material terms of the settlement. The court will not approve a dismissal of the PAGA action until such an Order has been signed.

Plaintiff has not shown that she served the LWDA with her moving papers. Plaintiff is ordered to give notice of the ruling to the LWDA, and to defendant, and to serve the LWDA with her original moving papers and well as any new papers filed for future hearings.

PROOF OF SERVICE

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 100 W. Broadway, Suite 250, Long Beach, CA 90802.

On **May 24, 2022**, I served the foregoing document described herein as **NOTICE OF RULING**, on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Nancy Rader Whitehead SCOTT & WHITEHEAD 4675 MacArthur Court, Ste. 1240 Newport Beach, CA 92660 nwhitehead@employerlaw.com amorales@employerlaw.com Attorney for Defendant Neuintel, LLC	Labor and Workforce Development Agency <i>By Electronic Submission</i>
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☐ BY MAIL. At 100 W. Broadway, Suite 250, Long Beach, CA 90802, the envelope(s) was sealed and placed for deposit with the United States Postal Service, for collection and mailing on that date, following the firm's ordinary business practices. I am aware that on Motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

☐ BY FAX. In addition to service by mail as set forth above, a copy of said document(s) were also delivered by facsimile transmission to the addressee pursuant to Code of Civil Procedure §1013(e).

☐ BY PERSONAL SERVICE. I caused said document(s) to be hand-delivered at the Orange County Superior Court, Central Justice Center, Departments C32 to the addressee pursuant to Code of Civil Procedure §1011.

☐ BY EXPRESS MAIL. I caused said document(s) to be deposited in a box or other facility regularly maintained by the express service carrier providing overnight delivery pursuant to Code of Civil Procedure §1013(c).

☒ BY ELECTRONIC MAIL. I caused said document(s) to be delivered by electronic service pursuant to an agreement between the parties and Code of Civil Procedure §1010.6(a)(2).

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

Executed **May 24, 2022**, in Los Angeles County, California.


KIMBERLY LIND