

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
Fletcher W. Schmidt (SBN 286462)
fschmidt@haineslawgroup.com
Andrew J. Rowbotham (SBN 301367)
arowbotham@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355
Attorneys for Plaintiff

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

STEVE DIAB QAWAS, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

SOCAL FRAMING, INC., a California
Corporation; and DOES 1 through 100,

Defendants.

CASE NO. RIC1902588

*[Case assigned for all purposes to the Hon.
Sunshine S. Sykes, Dept. 6]*

**COMPLIANCE CHART IN SUPPORT
OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: February 24, 2021
Time: 8:30 a.m.
Dept.: 6

Reservation: RES243098

Action Filed: April 23, 2019
Trial Date: None Set

In accordance with the Class Action Case Management Order #1, section H.3.1, Plaintiff Steve Diab Qawas (“Plaintiff”) hereby submits the following Compliance Chart in support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement.

H.1.a. The settlement agreement shall not provide that any order, notice, form, or judgment shall include any provision that this order prohibits from being included in such a document.	<i>See Stipulation of Settlement, Exhibit 1 to Declaration of Fletcher W. Schmidt in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement (hereinafter referred to as “Schmidt Decl.”)</i>
H.1.b. The settlement agreement shall be written, signed by all necessary parties, and filed, either in the form of a separate stipulation or as an authenticated attachment to a declaration of counsel.	<i>See Schmidt Decl., 12:10-12, Exhibit 1</i>
H.3.a.i. Sets forth the attorney's estimate of the number of individuals in the class.	<i>See Schmidt Decl., 12:19-20</i>
H.3.a.ii. (A) Sets forth the attorney's estimate of the total amount of damages, monetary penalties or other relief that the class would be awarded on each claim if that claim were entirely successful at trial.	<i>See Schmidt Decl., 6:17-11:20</i>
H.3.a.ii (B) explains how that estimate was calculated.	<i>See Schmidt Decl., 6:17-11:20</i>
H.3.a.ii (C) states the collective total for all of the claims.	<i>See Schmidt Decl., 11:14-15</i>
H.3.a.iii. (A) Sets forth the attorney's estimate as to each claim of the total amount of damages, monetary penalties or other relief that the class could reasonably expect to be awarded at trial, taking into account difficulties of proof, the defendant’s defenses, and other attendant risks.	<i>See Schmidt Decl., 6:17-11:20</i>
H.3.a.iii. (B) Sets forth...the attorney's reasons for those estimates.	<i>See Schmidt Decl., 6:17-11:20</i>
H.3.a.iii. (C) Sets forth...the likely award at trial for all claims collectively.	<i>See Schmidt Decl., 11:15-17</i>
H.3.a.iii. (D) Sets forth...both the number of class certification orders that the attorney has obtained following contested certification motions concerning similar claims and the number of trials that the attorney has conducted concerning class or individual actions alleging similar claims.	<i>See Schmidt Decl., 4:20-5:27; See Declaration of Paul K. Haines, 5:13-7:1, Declaration of Andrew J. Rowbotham, 5:4-8</i>

1	H.3.a. iv. Sets forth the attorney's estimate of the recovery by the average class member if the settlement were approved. If the recovery by different class members will vary, the attorney shall also estimate the range (high and low) of possible recoveries.	<i>See Schmidt Decl., 12:22-28</i>
2		
3		
4		
5	H.3.a.v. Describes in detail the nature and extent of the formal and informal discovery exchanged and other factual investigation conducted to determine the size of the class and the strength of the class claims.	<i>See Schmidt Decl., 11:21-25</i>
6		
7		
8	H.3.a.vi. States (A) whether the attorney is aware of any class, representative or other collective action in any other court in this or any other jurisdiction that asserts claims similar to those asserted in this action on behalf of a class or group of individuals some or all of whom would also be members of the class defined in this action and, if so, (B) the name and case number of any such case, the nature of the claims asserted, the definition of the class or other parties on whose behalf the action is brought, and the procedural status of that case. Before making that declaration, the attorney shall make reasonable inquiry of the plaintiff and of other members of the attorney's law firm and any associated law firm to determine whether those individuals are aware of any such similar actions.	<i>See Schmidt Decl., 12:15-18</i>
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19	H.3.b.i. The motion shall be supported by a declaration from the defendant's attorney that states (i) whether the attorney is aware of any class, representative or other collective action in any other court in this or any other jurisdiction that asserts claims similar to those asserted in this action on behalf of a class or group of individuals some or all of whom would also be members of the class defined in this action.	<i>See Declaration of Nikolas T. Djordjevski, 1:6-9.</i>
20		
21		
22		
23		
24		
25	H.3.b. ii. The motion shall be supported by a declaration from the defendant's attorney that states (ii) whether the attorney made reasonable inquiry of the defendant and of other members of the attorney's law firm and any associated law firm to determine	<i>See Declaration of Nikolas T. Djordjevski, 1:13-15.</i>
26		
27		
28		

1	whether the defendant or those individuals are aware of any such similar actions.	
2	H.3.b.iii. If any such similar actions are known to exist, the declaration shall also state (iii) the name and case number of any such case, the nature of the claims asserted, the definition of the class or other parties on whose behalf the action is brought, and the procedural status of that case.	Not applicable.
6	H.3.c. The motion shall describe how the value of any uncashed checks, unpaid cash residue, or other unclaimed or abandoned funds will be distributed.	<i>See Plaintiff Steve Diab Qawas' Motion for Preliminary Approval of Class Action Settlement ("Motion"), p. 9, footnote 5.</i>
9	H.3.c.i. In a wage-and-hour case or any other case seeking relief on behalf of a class of employees, the Court deems a distribution of any unclaimed funds to the Industrial Relations Unpaid Wage Fund (Lab. Code, §§ 96.6 & 96.7) in the name of the employee to be a distribution to the class member, and thus outside the scope of Code of Civil Procedure section 384, subdivision (b). If one or more the parties disagree, then the motion shall explain the basis for that disagreement.	<i>See Motion, p. 9, footnote 5.</i>
16	H.3.c. ii. A. The motion shall describe the intended distribution of unclaimed funds in accordance with Code of Civil Procedure section 384, subdivision (b), and shall explain the reason for choosing proposed recipient as opposed to other potential recipients considered.	<i>See Motion, p. 9, footnote 5</i>
20	H.3.c.ii.B. The motion shall be supported by a declaration from a knowledgeable person from the proposed recipient.	Not Applicable
22	H.3.c.ii.B.1. The declaration shall: Establish that the recipient is a nonprofit organization, foundation, or program of the type described in that subdivision.	Not Applicable
25	H.3.c.ii.B.2. The declaration shall: Describe the history of the recipient, the types of projects that it has conducted or supported over the last five years, and any particular use to which it would intend to devote the unpaid residue if received.	Not Applicable

1	H.3.c.ii.B.3. Describe the geographic area in which the recipient operates in general, and the nature and extent of the services it provides in Riverside County in particular.	Not Applicable
2		
3	H.3.c. ii.C.1. The declarations of the attorneys for the plaintiff and for the defendant shall describe any relationship between the proposed recipient and (1) any class representative or other party.	Not Applicable
4		
5	H.3.c. ii.C.2. The declarations of the attorneys for the plaintiff and for the defendant shall describe any relationship between the proposed recipient and (2) any officer, director, or manager of any party.	Not Applicable
6		
7	H.3.c. ii.C.3. The declarations of the attorneys for the plaintiff and for the defendant shall describe any relationship between the proposed recipient and (3) any attorney or law firm for any party.	Not Applicable
8		
9		
10		
11		
12	H.3.d.i. If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by: i. A declaration from the plaintiff's attorney, stating whether bids were sought from multiple potential administrators and, if so, the results of that competitive bidding. If the parties did not select the lowest bidder, the declaration shall explain that decision.	<i>See Schmidt Decl., 13:22-26; Exhibit B to Declaration of Jodey Lawrence of Phoenix Settlement Administrators</i>
13		
14		
15		
16		
17		
18		
19	H.3.d.ii.A. If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by ii. A declaration from the administrator describing: A. The administrator's experience.	<i>See Exhibit A to Declaration of Jodey Lawrence of Phoenix Settlement Administrators</i>
20		
21		
22	H.3.d.ii.B. If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by ii. A declaration from the administrator describing: B. The fee to be charged by the administrator to perform the services described in the settlement agreement and proposed order;	<i>See Exhibit B to Declaration of Jodey Lawrence of Phoenix Settlement Administrators</i>
23		
24		
25		
26		
27	H.3.d.ii.C. If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be	<i>See Exhibit B to Declaration of Jodey Lawrence of Phoenix Settlement Administrators</i>
28		

supported by ii. A declaration from the administrator describing: C. Whether that fee is (1) fixed, (2) hourly, or (3) hourly with a cap	
H.3.d.ii.D. If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by ii. A declaration from the administrator describing: D. How the fee was calculated.	<i>See Exhibit B to Declaration of Jodey Lawrence of Phoenix Settlement Administrators</i>
H.3.e.i. Any release to be given by the participating class members (other than the class representatives) shall be limited to: i. The defendants named in the complaint, together with their officers, directors, employees and agents.	<i>See Exhibit 1 to Schmidt Decl., Stipulation of Settlement, p. 1, ¶ 2.</i>
H.3.e.i.A. Any release to be given by the participating class members (other than the class representatives) shall be limited to: i. The defendants named in the complaint, together with their officers, directors, employees and agents. If any other parties are sought to be released, the motion shall both (A) identify those other parties by name	Not Applicable
H.3.e.i.B. Any release to be given by the participating class members (other than the class representatives) shall be limited to: i. The defendants named in the complaint, together with their officers, directors, employees and agents. If any other parties are sought to be released, the motion shall both (B) explain the facts that justify their inclusion.	Not Applicable
H.3.e. ii. Any release to be given by the participating class members (other than the class representatives) shall be limited to: ii. The claims stated in the complaint and those based solely upon the facts alleged in the complaint.	<i>See Exhibit 1 to Schmidt Decl., Stipulation of Settlement, pp. 1-2, ¶ 2. A.</i>
H.3.e.iii. Any release to be given by the participating class members (other than the class representatives) shall be limited to: iii. Liability that arose during the class period as defined by the settlement agreement.	<i>See Exhibit 1 to Schmidt Decl., Stipulation of Settlement, pp. 1-2, ¶ 2. A.</i>

1	H.3.f. If notice is not to be given by first class mail to addresses believed to be current, the motion shall discuss the proposed method of giving notice, the alternative methods considered, and the reasons that the proposed method is the one most likely to give actual notice to the greatest number of class members. If the identities of the class members are not known, the parties shall consider publication of notice in print, on the web, at the defendant's place of business, and through social media.	Not applicable.
9	H.3.g.i If the settlement requires any of the class members to submit claims: i. The motion shall explain why a claim process is reasonably necessary. If the defendant knows (A) the identity of the class members, (B) their addresses or former addresses, and (C) the facts necessary to calculate the recovery of each class member, the Court will require a strong showing of necessity for a claims process.	Not applicable.
15	H.3.g. ii. If the settlement requires any of the class members to submit claims: ii. The motion shall explain the anticipated claims rate, and the basis for that prediction.	Not applicable.
17	H.3.h.i. If the settlement provides that any portion of the consideration paid or deposited by the defendant may revert to the defendant, the motion shall explain (i) the circumstances under which that reversion would occur	Not applicable.
21	H.3.h. ii. If the settlement provides that any portion of the consideration paid or deposited by the defendant may revert to the defendant, the motion shall explain (ii) the maximum amount of any reversion	Not applicable.
24	H.3.h.iii. If the settlement provides that any portion of the consideration paid or deposited by the defendant may revert to the defendant, the motion shall explain (iii) why that reversion is fair	Not applicable.
27	H.3.i. If the settlement includes compensation for unpaid wages, the motion shall describe how the employer's share of	See Exhibit 1 to Schmidt Decl., Stipulation of Settlement, p. 4, ¶ 3. F.

1	any applicable payroll taxes will be handled. The Court suggests that the	
2	employer's share not be paid out of the	
3	gross settlement fund. The Court is not	
4	likely to include the amount of those	
5	payments when calculating the plaintiff's	
6	counsel's percentage attorney's fee.	
7	H.3.j.i. If the amount of the proposed	See Schmidt Decl., 12:4-8
8	settlement is sought to be justified in part by	
9	the assertion that the defendant cannot	
10	afford to pay any greater sum, the motion	
11	shall be supported by a declaration from	
12	plaintiff's counsel or expert describing (i)	
13	the date and nature of the defendant's	
14	financial records reviewed by the declarant	
15	H.3.j. ii. If the amount of the proposed	See Schmidt Decl., 12:4-8
16	settlement is sought to be justified in part by	
17	the assertion that the defendant cannot	
18	afford to pay any greater sum, the motion	
19	shall be supported by a declaration from	
20	plaintiff's counsel or expert describing (ii)	
21	the information contained in those financial	
22	records that cause the plaintiff to believe	
23	that the defendant cannot afford a greater	
24	sum. The latter description shall be in	
25	sufficient detail to allow the Court to make	
26	an independent evaluation of the defendant's	
27	ability to fund a larger settlement.	
28	H.3.k.i. The documents that will be read by	See Exhibit 2 to Schmidt Decl.; also attached
	or used by the class members - the proposed	as Exhibits A, B, and C to [Proposed] Order
	notice, objection form, exclusion form, and	Granting Preliminary Approval of Class
	any claim form - shall be drafted in a	Action Settlement.
	manner that is likely to be readily	
	understood by the members of the class. i.	
	In particular, they shall not contain any	
	Latin terms (such as <i>et al.</i> and <i>et seq.</i>), any	
	legal terms of art (such as nonexempt and	
	class certification), or any unfamiliar	
	symbols or abbreviations (such as \$, LLC,	
	and IWO).	
	H.3.k.ii. The documents that will be read by	See Declaration of Kim Kessler, 2:15-18.
	or used by the class members - the proposed	
	notice, objection form, exclusion form, and	
	any claim form - shall be drafted in a	
	manner that is likely to be readily	
	understood by the members of the class. ii.	

1	To assist the Court in determining whether those documents comply with that directive,	
2	the motion shall be supported by a	
3	declaration of the defendant on personal	
4	knowledge concerning the likely age,	
5	education, and experience of the class	
6	members, and of their ability to read and	
7	comprehend English.	
8	H.3.1. The motion shall be accompanied by	<i>See Compliance Chart in Support of Plaintiff's</i>
9	a separately filed document entitled	<i>Motion for Preliminary Approval of Class</i>
10	"Compliance Chart" that shall consist of	<i>Action Settlement (i.e. this document).</i>
11	two columns. One column shall separately	
12	list each requirement prescribed by each	
13	paragraph or sub-paragraph of sections H.1	
14	and H.3 through H.10 of this order. The	
15	other column shall describe - by document	
16	name and page and line numbers - where in	
17	the moving papers the corresponding	
18	requirement is satisfied.	
19	H.4.a. The motion shall be accompanied by	<i>See Exhibits A, B, and C to [Proposed] Order</i>
20	a separate proposed order which shall	<i>Granting Preliminary Approval of Class</i>
21	include, as attachments to the order, the	<i>Action Settlement.</i>
22	proposed notice (Cal. Rules of Court, rule	
23	3.769(e)), proposed exclusion form,	
24	proposed objection form, any proposed	
25	claim form, and any other form that is	
26	proposed to accompany the notice. The	
27	Court is likely to modify those proposed	
28	forms. Therefore, the Court will not issue an	
	order that merely incorporates by reference	
	the forms attached to the settlement	
	agreement.	
	H.4.b. The settlement agreement shall not	<i>See [Proposed] Order Granting Preliminary</i>
	be attached to the order.	<i>Approval of Class Action Settlement.</i>
	H.4.c. Counsel shall carefully review both	Counsel has reviewed the terms and
	the terms and the terminology of the order	terminology of the order and accompanying
	and accompanying forms (notice, objection	notice, objection form, and request for
	form, exclusion form, and any claim form)	exclusion form.
	to confirm that the various documents are	
	internally consistent, consistent with each	
	other, and consistent with the settlement	
	agreement.	
	H.4.d. The order shall state the name of any	<i>See [Proposed] Order Granting Preliminary</i>
	settlement administrator, and shall describe	<i>Approval of Class Action Settlement, 1:21-22;</i>
	the nature of the services that the	<i>2:11-14.</i>
	administrator will be required to perform,	

1	either directly or by reference to the settlement agreement:	
2	H.4.e. The order shall provide that the notice shall be accompanied by an exclusion form that the class members may use. The order shall provide that any exclusion form shall be submitted to the settlement administrator rather than filed with the court. The order shall not require the class member to send copies of the exclusion form to counsel, but may require the settlement administrator to do so. The order shall provide that the settlement administrator shall file a declaration concurrently with the filing of any motion for final approval, authenticating a copy of every exclusion form received by the administrator.	<i>See [Proposed] Order Granting Preliminary Approval of Class Action Settlement, 1:23-25, 2:15-24; Exhibit B to [Proposed] Order.</i>
12	H.4.f. The proposed order shall provide that the notice shall be accompanied by an objection form that the class members may use. The order shall provide that any objection shall be submitted to the settlement administrator rather than filed with the court. The order shall not require the class member to send copies of the objection form to counsel, but may require the settlement administrator to do so. The order shall provide that the settlement administrator shall file a declaration concurrently with the filing of any motion for final approval, authenticating a copy of every objection form received by the administrator.	<i>See [Proposed] Order Granting Preliminary Approval of Class Action Settlement, 1:23-25, 2:15-24; Exhibit C to [Proposed] Order.</i>
22	H.4.g.i. Neither the order, the notice, nor the objection form shall require an objecting party to do either of the following, either personally or through counsel: i. To appear at the hearing on the motion for final approval for that party's objection to be considered.	<i>See [Proposed] Order Granting Preliminary Approval of Class Action Settlement; Exhibits A and C to [Proposed] Order.</i>
26	H.4.g. ii. Neither the order, the notice, nor the objection form shall require an objecting party to do either of the following, either personally or through counsel: ii. To file or serve, or to state in the objection, a notice of	<i>See [Proposed] Order Granting Preliminary Approval of Class Action Settlement; Exhibits A and C to [Proposed] Order.</i>

1	intention to appear at the hearing on the motion for final approval.	
2	H.4.h. The order shall require that either counsel or the administrator must give notice to any objecting party of any continuance of the hearing of the motion for final approval.	<i>See [Proposed] Order Granting Preliminary Approval of Class Action Settlement, 2:22-24.</i>
5	H.4.i. Neither the order nor the notice shall purport to enjoin the class members from filing any actions or administrative claims or proceedings pending the final hearing on the settlement, or for any other period.	<i>See [Proposed] Order Granting Preliminary Approval of Class Action Settlement; Exhibit A to [Proposed] Order.</i>
8	H.4.j.i. If notice is to be given by mail, and if the class members will be required to submit a claim form, the order shall provide: That the notice be accompanied by a stamped envelope addressed to the claims administrator	Not applicable.
12	H.4.j. ii. If notice is to be given by mail, and if the class members will be required to submit a claim form, the order shall provide: That the claims administrator be required to send a reminder notice to every class member from whom no claim or exclusion request is received within 30 days of mailing the notice.	Not applicable.
17	H.5.a. The notice shall include an estimate of the likely recovery by the individual class member to whom the notice is sent, if known. If it is not known, the notice shall include an estimate of the likely recovery by the average class member. If the recovery by different members will vary, the notice shall also include an estimate of the range of possible recoveries.	<i>See Notice of Class Action Settlement, p. 6, attached to the [Proposed] Order as Exhibit A.</i>
22	H.5.b. To avoid discouraging any dissenting class members from objecting to the proposed settlement, the notice shall clearly indicate that the Court has determined only that there is sufficient evidence to suggest that the proposed settlement might be fair, adequate, and reasonable, and that any final determination of those issues will be made at the final hearing.	<i>See Notice of Class Action Settlement, p. 2, attached to the [Proposed] Order as Exhibit A.</i>
28	H.5.c.i. The notice shall advise the class members of where they can find the	<i>See Notice of Class Action Settlement, p. 5, attached to the [Proposed] Order as Exhibit A.</i>

1	settlement agreement, by describing (i) the full title and filing date either of the settlement agreement or of the declaration or other document to which the agreement was attached when filed with the Court	
2		
3		
4	H.5.c. ii. The notice shall advise the class members of where they can find the settlement agreement, by describing the address of the courthouse to which the case is assigned	<i>See Notice of Class Action Settlement, p. 5, attached to the [Proposed] Order as Exhibit A.</i>
5		
6		
7	H.5.c.iii. The notice shall advise the class members of where they can find the settlement agreement, by describing the address of the court's website at which the case file can be viewed on-line	<i>See Notice of Class Action Settlement, p. 5, attached to the [Proposed] Order as Exhibit A.</i>
8		
9		
10	5.d. Neither the notice nor the documents enclosed with it shall describe any settlement administrator as the "claims administrator" unless the class members are required to submit claims.	<i>See Exhibits A, B, and C, attached to [Proposed] Order Granting Preliminary Approval of Class Action Settlement.</i>
11		
12		
13	H.5.e. The notice shall include a description of any release being given by the class members.	<i>See Notice of Class Action Settlement, pp. 3-4, attached to the [Proposed] Order as Exhibit A.</i>
14		
15	H.6.a. The information required to be provided by the class member on any claim form shall not exceed the minimum information necessary to (a) identify the claimant	Not applicable.
16		
17		
18	H.6.b. The information required to be provided by the class member on any claim form shall not exceed the minimum information necessary to (b) process the claim.	Not applicable.
19		
20		
21	H.6.c. The information required to be provided by the class member on any claim form shall not exceed the minimum information necessary to (c) contact the claimant to clarify any uncertainties	Not applicable.
22		
23		
24	H.7.a.i. The objection form shall (i) instruct the objecting class member that the objection must be mailed or delivered to the settlement administrator,	<i>See Objection Form, attached to the [Proposed] Order as Exhibit C.</i>
25		
26	H.7.a. ii. The objection form shall (ii) state the name and address of the settlement administrator	<i>See Objection Form, attached to the [Proposed] Order as Exhibit C.</i>
27		
28		

1	H.7.a.iii. The objection form shall (iii) state the date by which the objection must be mailed or otherwise delivered	<i>See</i> Objection Form, attached to the [Proposed] Order as Exhibit C.
2		
3	H.7.b.i. The information required to be provided by an objecting class member on the objection form shall not exceed the minimum information necessary to (i) identify the objector as a person entitled to object to the settlement	<i>See</i> Objection Form, attached to the [Proposed] Order as Exhibit C.
4		
5		
6	H.7.b. ii. The information required to be provided by an objecting class member on the objection form shall not exceed the minimum information necessary to (ii) describe the nature of and basis for the objection	<i>See</i> Objection Form, attached to the [Proposed] Order as Exhibit C.
7		
8		
9		
10	H.7.b.iii. The information required to be provided by an objecting class member on the objection form shall not exceed the minimum information necessary to (iii) contact the objector to clarify any uncertainties	<i>See</i> Objection Form, attached to the [Proposed] Order as Exhibit C.
11		
12		
13		
14	H.7.c. If a claim must be submitted to participate in the settlement, the objection form shall remind the objector that, to participate in the settlement in the event that the objection is overruled, the objector must also submit a claim.	Not applicable.
15		
16		
17	H.8.a.i. The exclusion form shall (i) instruct the class member seeking exclusion that the exclusion form must be mailed or delivered to the settlement administrator	<i>See</i> Request for Exclusion Form, attached to the [Proposed] Order as Exhibit B.
18		
19		
20	H.8.a. ii. The exclusion form shall (ii) state the name and address of the settlement administrator	<i>See</i> Request for Exclusion Form, attached to the [Proposed] Order as Exhibit B.
21		
22	H.8.a.iii. The exclusion form shall (iii) state the date by which the exclusion form must be mailed or otherwise delivered	<i>See</i> Request for Exclusion Form, attached to the [Proposed] Order as Exhibit B.
23		
24	H.8.b.i. The information required to be provided by a class member on the exclusion form shall not exceed the minimum information necessary to (i) identify the person as a class member	<i>See</i> Request for Exclusion Form, attached to the [Proposed] Order as Exhibit B.
25		
26		
27	H.8.b. ii. The information required to be provided by a class member on the exclusion form shall not exceed the minimum information necessary to (ii)	<i>See</i> Request for Exclusion Form, attached to the [Proposed] Order as Exhibit B.
28		

1	contact the person to clarify any uncertainties	
2	H.9.a. If the action includes a claim for statutory penalties under the Labor Code Private Attorney General Act of 2004 ("PAGA"), the motion shall explain the terms of any settlement of that claim.	<i>See Motion, 7:18 – 8:12; 17:7 – 18:14.</i>
5	H.9.b. If the settlement provides for the payment of penalties under PAGA, the motion shall be accompanied by a declaration describing how the penalties were calculated and otherwise establishing facts sufficient to allow the Court to review and approve those penalties as required by Labor Code section 2699, subdivision (I).	<i>See Schmidt Decl., 10:25-11:13; Motion, 17:7 – 18:14.</i>
10	H.9.b.i. In particular, the declaration shall explain: i. The nature of the alleged violations.	<i>See Schmidt Decl., 6:17-11:13</i>
12	H.9.b.ii. In particular, the declaration shall explain: ii. The number of alleged individual violations, including both the length of the relevant employment period and the number of employees allegedly employed during that period.	<i>See Schmidt Decl., 10:1-5, 11:3-5</i>
16	H.9.b.iii. In particular, the declaration shall explain: iii. The total amount of penalties for which the defendant is potentially liable were those allegations to be proven.	<i>See Schmidt Decl., 11:3-5</i>
18	H.9.c. If the agreed-upon amount of PAGA penalties is less than the statutory maximum, the declaration shall explain why greater penalties would be unjust, arbitrary and oppressive, or confiscatory. (Lab. Code, § 2699, subd. (e)(2); <i>Amaral vs. Cintax Corp. No. 2</i> (2008) 163 Cal.App.4th 1157, 1213-1214.)	<i>See Schmidt Decl., 10:25-11:13</i>
23	H.9.c.i. In particular, the declaration shall explain: i. The extent to which the alleged violations would be likely to be found true at trial, considering the weight of the evidence, the clarity of the applicable law, and the strength of any factual or legal defense likely to be asserted by the defendant.	<i>See Schmidt Decl., 10:25-11:13</i>
28	H.9.c. ii. In particular, the declaration shall explain: ii. The nature and extent of the	<i>See Schmidt Decl., 11:21-25</i>

1	discovery or other investigation undertaken by the plaintiff to estimate the likelihood of proving those allegations at trial.	
2		
3	H.9.c.iii. In particular, the declaration shall explain: iii. The likelihood that any violations would be proven to have been knowing and intentional.	See Schmidt Decl., 10:15-24
4		
5	H.9.c. iv. In particular, the declaration shall explain: iv. The total amount of penalties for which the defendant would be likely to be found liable at trial.	See Schmidt Decl., 10:25-11:13
6		
7		
8	H.9.c.v. In particular, the declaration shall explain: v. Any facts that tend to suggest that the imposition of the total amount of statutory penalties for which the defendant would be likely to be found liable at trial would be unjust, arbitrary and oppressive, or confiscatory.	See Schmidt Decl., 10:25-11:13
9		
10		
11		
12	H.9.c.vi. In particular, the declaration shall explain: vi. How the amount of the agreed-upon penalties was calculated or otherwise arrived at.	See Schmidt Decl., 10:25-11:13
13		
14	H. 9.c.vii. In particular, the declaration shall explain: vii. Whether the parties utilized the services of any neutral party to mediate this dispute.	See Schmidt Decl., 11:26-12:3
15		
16		
17	H.9.c. viii. In particular, the declaration shall explain: viii. Any other factors that are material to a determination that the amount of the agreed-upon penalties is fair.	See Schmidt Decl., 10:25-11:13
18		
19	H.10. If the Court either denies the motion or continues the hearing on the motion, and if the plaintiff thereafter files any amended settlement agreement, order, notice or form in support of either that motion or a renewed motion, the plaintiff shall file a declaration authenticating a "red-lined" version of the amended document, showing how the earlier version was modified.	Not applicable.
20		
21		
22		
23		
24		

Dated: January 21, 2021

Respectfully Submitted,
HAINES LAW GROUP, APC

By:



Fletcher W. Schmidt
Attorneys for Plaintiff