

CLARKSON LAW FIRM, P.C.

Glenn A. Danas (SBN 270317)
gdanas@clarksonlawfirm.com
22525 Pacific Coast Highway
Malibu, CA 90265
Tel: (213) 788-4050
Fax: (213) 788-4070

SHENKMAN & HUGHES PC

Kevin I. Shenkman (SBN 223315)
kishenkman@shenkmanhughes.com
Mary Ruth Hughes (SBN 222662)
mrhughes@shenkmanhughes.com
Andrea A. Alarcon (SBN 319536)
aalarcon@shenkmanhughes.com
28905 Wight Road
Malibu, CA 90265
Tel: (310) 457-0970

Attorneys for Plaintiff

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ROBERT SCHEFF, individually, and on
behalf of all other aggrieved employees
pursuant to the California Private Attorneys
General Act,

Plaintiff,

vs.

THE HARTFORD GOLD GROUP, LLC, a
California limited liability corporation; and
DOES 1 through 25, inclusive,

Defendant.

Case No. 20STCV47565

**NOTICE RE HEARING ON MOTION
FOR PRELIMINARY APPROVAL
AND ORDER TO SHOW CAUSE RE:
DISMISSAL**

Date: January 13, 2023
Time: 8:30 am.
Dept.: 39

Honorable Stephen I. Goorvitch

Clarkson Law Firm, P.C.
22525 Pacific Coast Highway
Malibu, CA 90265

1 The Parties, through counsel, appeared at the December 12, 2022 Hearing on Motion for
2 Preliminary Approval and Order to Show Cause Re: Dismissal (Settlement) in the alternative, Trial
3 Setting Conference.

4 On the Court's own motion, the Hearing on Motion - Other Motion for preliminary approval
5 hearing scheduled for December 12, 2022 is continued to January 13, 2023 at 08:30 AM in
6 Department 39 at Stanley Mosk Courthouse.

7 Attached as “**EXHIBIT A**” is a true and correct copy of the Court’s December 13, 2022
8 Minute Order.

9
10 Dated: December 14, 2022

CLARKSON LAW FIRM, P.C.

11 /s/ Glenn Danas
12 Glenn Danas

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28 Attorneys for Plaintiff

Exhibit A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 39

20STCV47565

ROBERT SCHEFF vs THE HARTFORD GOLD GROUP, LLC

December 12, 2022

8:30 AM

Judge: Honorable Stephen I. Goorvitch

Judicial Assistant: R. Mendoza

Courtroom Assistant: K. Ghazarian

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Kevin Isaac Shenkman (Telephonic)

For Defendant(s): David Fishman (Telephonic)

NATURE OF PROCEEDINGS: Hearing on Motion - Other Motion for preliminary approval hearing; Order to Show Cause Re: Dismissal (Settlement) in the alternative, Trial Setting Conference

The matters are called for hearing.

After reading and considering all moving documents, hearing argument, and conferring with counsel, the Court rules as follows:

The Court takes the matter under submission.

The Court, having taken the matter under submission on December 12, 2022, now rules as follows:

Motion for Preliminary Approval of Settlement

Plaintiff Robert Scheff ("Plaintiff") filed this action against Defendant the Hartford Gold Group, LLC ("Defendant") for wage and hour violations. Plaintiff filed a complaint on December 11, 2020, asserting a single cause of action: Enforcement under the Private Attorneys General Act, California Labor Code sections 2698, et seq. ("PAGA"). Then, Plaintiff filed a first amended complaint on November 4, 2022, asserting individual and class action claims, as well as the PAGA claim. Now, the parties seek approval of the class action and PAGA claims against Defendant.

Plaintiffs propose a settlement class of "[a]ll persons who are or were employed by Defendant as nonexempt, hourly-paid employees at any of Defendant's locations within the State of California within four years of the filing of this complaint until the date of final court approval." (Declaration of Glenn A. Danas in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement, Exhibit 1.) The class consists of approximately 191 individuals.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 39

20STCV47565

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CSR: None

ERM: None

Deputy Sheriff: None

(Memorandum of Points and Authorities in Support of Motion for Preliminary Approval of Class Action Settlement, p. 10.) This settlement class is ascertainable, and its members have a community of interest that makes class treatment appropriate. (See *Sevidal v. Target Corp.* (2010) 189 Cal.App.4th 905, see also *Linder v. Thrifty Oil Co.* (2000) 23 Cal.4th 429, 435.)

The settlement provides that members of the settlement class may request exclusion from the class, or object to the class. If a member of the settlement class takes no action upon receiving the notice of the settlement, the member will receive a payment. (Class Action Settlement Agreement and Release, §§ 2.3, 2.12.) The members of the class will receive payments “pro rata . . . according to their respective weeks employed by Defendant during the Class Period.” (Declaration of Glenn A. Danas in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement, Exhibit 1.)

The total settlement amount is \$550,000. The parties propose to divide the proceeds as follows:

Settlement of Plaintiff’s individual claims: \$400,000

Settlement of PAGA claims: \$10,000

Settlement of class action claims: \$140,000

Incentive payment for Plaintiff: - \$5,000

Attorney’s fees: - \$49,000

Costs: - \$15,000

Total for class action members: \$71,000

(Declaration of Glenn A. Danas in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement, Exh. #1.)

The Court held a hearing on November 15, 2022, and ordered supplemental briefing. The Court held a further hearing on December 12, 2022, after which the Court took the motion under submission. At the hearing, the Court ordered Plaintiff’s counsel to provide notice to the California Labor and Workforce Development Agency (the “LWDA”). Plaintiff’s counsel’s memorandum of points and authorities states that notice was provided. (See Memorandum of Points & Authorities, p. 2:2-10.) However, this representation was not made in a declaration or in a proof of service, and there are no confirmation emails from the LWDA in the record.

The Court is concerned that this settlement seeks to divide a “gross settlement fund” of \$550,000 amongst Plaintiff for his individual retaliation claims, the class members, and the State of

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CSR: None

ERM: None

Deputy Sheriff: None

California through the PAGA claim. All three are represented by the same counsel. Accordingly, this case must be reviewed by the complex court.

Based upon the foregoing, the Court orders as follows:

1. Plaintiff's motion is removed from being under submission and continued to January 13, 2023, at 8:30 a.m.
2. Plaintiff's counsel shall file a declaration or proof of service making clear that the motion and related pleadings were served on the LWDA. If necessary, Plaintiff's counsel shall re-serve the motion and related pleadings forthwith. Any objection by the LWDA shall be filed on or before January 6, 2023.
3. The parties shall meet-and-confer whether they wish to proceed with the class action settlement. If so, they shall complete the complex questionnaire forthwith, and the case will be transferred to the complex court. If not, the parties may file an amended complaint and, assuming the LWDA does not object, the Court would be prepared to approve the PAGA settlement on January 13, 2023, at 8:30 a.m.
4. Plaintiff's counsel shall provide notice to all parties, including the LWDA, and shall file a proof of service with the Court.

On the Court's own motion, the Hearing on Motion - Other Motion for preliminary approval hearing scheduled for 12/12/2022 is continued to 01/13/2023 at 08:30 AM in Department 39 at Stanley Mosk Courthouse.

Certificate of Mailing is attached.

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PROOF OF SERVICE

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles. I am over the age of eighteen years and not a party to the within entitled action. My business address is 22525 Pacific Coast Highway, Malibu, CA 90265.

On **December 14, 2022** (date of service), I served a copy of the following document(s) on the interested party(ies) and/or person(s) identified on the Service List in the manner set forth below.

Documents Served

- **NOTICE RE ORDER TO SHOW CAUSE RE: DISMISSAL AND HEARING ON MOTION FOR PRELIMINARY HEARING**

Method of Service

[X] **BY ELECTRONIC MEANS:** I caused a true copy of the document described to be filed by The State of California Labor and Workforce Development Agency (LWDA) Document Submission filing website.

Labor and Workforce Development Agency (LWDA)

Case Number: LWDA-CM-812078-20

<https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>

[X] **BY ELECTRONIC MEANS:** I caused to be transmitted a true and correct copy of the foregoing document(s) via electronic mail to the interested party(ies)/person(s) as set forth on the attached Service List pursuant to law, local rules, court order, and/or agreement amongst said party(ies)/person(s) to accept service thereby.

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

Executed on **December 14, 2022**

Vanessa Vargas
Vanessa Vargas

SERVICE LIST

SHENKMAN & HUGHES PC Kevin I. Shenkman (SBN 223315) kishenkman@shenkmanhughes.com Mary Ruth Hughes (SBN 222662) mrhughes@shenkmanhughes.com Andrea A. Alarcon (SBN 319536) aalarcon@shenkmanhughes.com 28905 Wight Road Malibu, CA 90265 Tel: (310) 457-0970 Attorneys for Plaintiff	BALLARD ROSENBERG GOLPER & SAVITT LLP David J. Fishman (SBN 217608) dfishman@brgslaw.com 15760 Ventura Blvd., 18 th Floor Encino, CA 91436 Tel: (818) 508-3707 Attorneys for Defendant
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