

2 Randall B. Aiman-Smith #124599

Reed W.L. Marcy #191531

3 Hallie Von Rock #233152

Brent A. Robinson #289373

4 Lisseth Bayona #338135

7677 Oakport St. Suite 1150

5 Oakland, CA 94621

T 510.817.2711

6 F 510.562.6830

ras@asmlawyers.com

7 rwlm@asmlawyers.com

hvr@asmlawyers.com

8 bar@asmlawyers.com

lb@asmlawyers.com

9 Attorneys for Plaintiffs

11 IN THE SUPERIOR COURT OF CALIFORNIA

12 IN AND FOR THE COUNTY OF ALAMEDA

13 THE CALIFORNIA LABOR AND)
14 WORKFORCE DEVELOPMENT)
15 AGENCY, a California governmental)
agency, *ex rel.* DARRELL HONRINE;)
16 and DARRELL HONRINE,)
17 individually,)

18 Plaintiffs,)

19 v.)

20 COAST COUNTIES TRUCK &)
21 EQUIPMENT COMPANY, a)
California corporation; and DOES 1-15,)
22 inclusive,)

23 Defendants.)
24)
25)
26)
27)
28)

Case No.: RG21088933

**SUPPLEMENTAL MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT
OF MOTION FOR APPROVAL OF
PRIVATE ATTORNEYS GENERAL ACT
(PAGA) SETTLEMENT**

DATE: MARCH 26, 2024

TIME: 2:30 PM

DEPT. 517

HON. KEITH FONG

RESERVATION ID: 257764486866

[CONTINUED FROM FEBRUARY 27, 2024]

1 Plaintiff Darrell Honrine (“Plaintiff”) respectfully submits the following Supplemental
2 Memorandum of Points and Authorities in Support of Plaintiff’s Motion for Approval of
3 Private Attorneys General Act (PAGA) Settlement.

4 On February 26, 2024, the Court entered a Tentative Ruling on Plaintiff’s Motion for
5 Approval of PAGA Settlement and continued the hearing to March 26, 2024. At the Case
6 Management Conference on February 27, 2024, the Court indicated a further hearing may not
7 be necessary if the parties submitted the supplemental briefing earlier.

8 The Tentative Ruling stated that: “The Settlement Agreement as currently worded does
9 not reflect the law” and that “The Agreement should be amended to release the claims of the
10 LWDA.” The Tentative Ruling further stated that: “Mr. Honrine, the named Plaintiff, does
11 not represent the Aggrieved Employees and therefore cannot release claims on their behalf.
12 Under PAGA, the settlement can release the LWDA’s claims for statutory penalties but cannot
13 release any claims of the LWDA.”

14 Additionally, with respect to attorney’s fees, the Tentative Ruling stated that: “The
15 Court is inclined to award \$360,000 (30%) in attorneys’ fees.”

16 The Court stated that “Plaintiff may submit an amended settlement agreement,
17 declaration, and memorandum to address the Court’s concerns.”

18 In response, Plaintiff has updated the language in the Private Attorneys General Act
19 Settlement Agreement (“Settlement Agreement”) in the Private Attorneys General Act
20 Amended Settlement Agreement (“Amended Settlement Agreement”). The Amended
21 Settlement Agreement now releases claims on behalf of the Released Parties now defined as
22 the Plaintiff, the LWDA and any individual acting on behalf of or purporting to act on behalf
23 of the LWDA. The Released Claims are those for statutory penalties by Plaintiff, the LWDA
24 and any individual acting on behalf of or purporting to act on behalf of the LWDA. The
25 Released Claims no longer include Aggrieved Employees and the Parties have added case law
26 on the issue of those who are bound by a judgment issued in a PAGA case. The Amended
27 Settlement Agreement was fully executed by the Parties on March 6, 2024. See, Supplemental
28 Declaration of Hallie Von Rock (“Supp HVR Dec.”) ¶ 3.

1 Plaintiff has also updated the language in the Amended Settlement Agreement in
2 Paragraph 5 to state that Plaintiff will seek thirty percent (30%) of the Total Settlement
3 Amount, in the amount of Three Hundred Sixty Thousand Dollars (\$360,000) for attorney's
4 fees. See, Supp HVR Dec. ¶ 4.

5 A redline of the Amended Settlement Agreement is attached to the Supp HVR Dec. as
6 **Exhibit A**, and a copy of the clean fully executed Amended Settlement Agreement is attached
7 as **Exhibit B**.

8 Copies of the Supp HVR Dec. and exhibits, the supplemental memorandum of points
9 and authorities, and Amended Proposed Order are being submitted concurrently with the filing
10 of these documents on the LWDA through its online portal. See, Supp. HVR Dec. ¶ 6.

11 For the foregoing reasons, Plaintiff respectfully requests that the Court grant Plaintiff's
12 Motion for Approval of PAGA Settlement and enter an order consistent with the Amended
13 Proposed Order submitted herewith.

14 Respectfully submitted,

15
16 Date: March 6, 2024

AIMAN-SMITH & MARCY
A PROFESSIONAL CORPORATION

17 /s/ Hallie Von Rock
18 _____

19 Hallie Von Rock
20 Attorneys for Plaintiff
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