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10 Attorneys for Plaintiffs and the Class

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

13 RAEIGN VELASQUEZ, MIKAYLA ASEVO
and ERIC RIVAS on behalf of themselves and
14 on behalf of all persons similarly situated

15 Plaintiffs,

16 v.

17 TEAM BLAZE, a California Corporation;
GHOLAMREZA MEDALI, an individual; and
18 DOES 1 to 100, inclusive,

19 Defendants
20
21

Case No. 30-2021-01187932-CU-OE-CXC

[Assigned for all purposes to the Hon.
Melissa R. McCormick, Dept. CX104]

**NOTICE OF RULING ON
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

DATE: August 29, 2024
TIME: 2:00 p.m.
DEPT: CX104

22 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

23 PLEASE TAKE NOTICE that the Court adopted its Tentative Ruling, which is attached hereto
24 as Exhibit "A," denying Plaintiffs Raeign Velasquez, Mikayla Asevo, and Eric Rivas' (collectively,
25 "Plaintiffs") Motion for Preliminary Approval of Class Action Settlement.
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27
28

1 DATED: August 29, 2024

HYUN LEGAL, APC

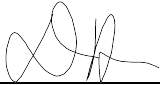
2
3 By:  _____
4 Dennis S. Hyun
Attorneys for Plaintiffs and the Class

EXHIBIT “A”

**LAW & MOTION CALENDAR
TENTATIVE RULINGS**

August 29, 2024

**Judge Melissa R. McCormick
Dept. CX104**

Department CX104 hears law and motion on Thursdays at 2:00 p.m.

Court reporters: Official court reporters typically are not provided in this department for any proceedings. If the parties desire the services of a court reporter, the parties should follow the procedures set forth on the court's website at www.occourts.org.

Tentative rulings: The court endeavors to post tentative rulings on the court's website by 9:00 a.m. the day of the hearing. Tentative rulings may not be posted in every case. Please do not call the department for tentative rulings if tentative rulings have not been posted.

Submitting on tentative rulings: If all parties intend to submit on the tentative ruling and do not desire oral argument, please advise the courtroom clerk or courtroom attendant by calling (657) 622-5304. Please do not call the department unless all parties submit on the tentative ruling. If all parties submit on the tentative ruling and so advise the court, the tentative ruling will become the court's final ruling and the prevailing party shall give notice of the ruling.

Appearances and public access: Appearances, whether in person or remote, must comply with Civil Procedure Code section 367.75, California Rule of Court 3.672, Orange County Superior Court Local Rule 375, and Orange County Superior Court Appearance Procedure and Information—Civil Unlimited and Complex (pub. 9/9/22).

Unless the court orders otherwise, remote appearances will be conducted via Zoom. All counsel and self-represented parties appearing via Zoom must check in through the court's civil remote appearance website before the hearing begins. Check-in instructions are available on the court's website.

The public may attend hearings by coming to court or via remote access as described above.

Photographing, filming, recording and/or broadcasting court proceedings are prohibited unless authorized pursuant to California Rule of Court 1.150 or Orange County Superior Court Local Rule 180.

Non-appearances: If nobody appears for the hearing and the court has not been notified that all parties submit on the tentative ruling, the court shall determine whether the matter is taken off calendar or the tentative ruling becomes the final ruling. The court also might make a different order. See *Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442 n.1.

NO.	CASE NAME	MATTER
1	Amazon Flex Wage and Hour Cases JCCP 5078	<u>Defendants Amazon.com, Inc. and Amazon Logistics, Inc.'s Motion to Compel Arbitration</u> Defendants Amazon.com, Inc. and Amazon Logistics, Inc. (together, "Amazon") move to compel arbitration of plaintiffs Dirk Clinton, Linda Luckett, Renee Jordan, Persis Knipe, Jennifer Romero and Antonia Dias's individual PAGA claims. Plaintiffs oppose. For the following reasons, Amazon's motion is denied.

		defendant's records and the aggrieved employees' records? Supp. Ackermann Decl. (ROA 195) ¶ 5. Subject to the parties' resolving the above issues to the court's satisfaction at the hearing, the court intends to grant the motion for approval, as follows: 1. \$5,000 enhancement payment to plaintiff. Plaintiff has not demonstrated that \$7,500 is a reasonable amount for an enhancement award in this case; 2. \$30,000 for attorneys' fees (one-third of gross settlement amount); 3. \$12,002.76 for litigation costs; 4. \$3,400.00 for settlement administration costs; and 5. \$39,597.24 total PAGA penalties (\$29,697.93 to the LWDA). The final accounting hearing is scheduled for <u>February 20, 2025 at 9:00 a.m.</u> in Department CX104. Counsel shall submit a final settlement administrator's report at least 9 court days before the hearing addressing the status of the settlement administration, including the actual amounts paid to the aggrieved employees and the other amounts distributed under the settlement, including any uncashed checks. Plaintiff is ordered to file a revised proposed order and revised notice, both consistent with the above, by <u>September 5, 2024</u>. The revised proposed order should attach the settlement agreement, the amendment to the settlement agreement (signed by the parties), and the revised notice as exhibits. Plaintiff is ordered to give notice, including to the LWDA, and to file a proof of service.
10	Velasquez, et al. v. Team Blaze, et al. 2021-01187932	<u>Plaintiffs' Motion for Preliminary Approval of Class Action and PAGA Settlement</u> The court has considered the papers, including the supplemental papers, filed in support of plaintiffs' motion for preliminary approval of a class action and PAGA settlement. The court has the following questions and comments: 1. In its April 25, 2024 order (ROA 132), the court noted that the addendum to the settlement agreement was not signed by all parties (Proposed Order (ROA 116) Ex. A). The addendum to the settlement agreement is still not signed by the parties. Proposed Order (ROA 134) Ex. A. Plaintiffs' counsel states that the parties agreed in the settlement agreement that the settlement agreement may be amended or modified only by a written instrument signed by counsel for all parties or their successors-in-interest and approved by the court. Second Supp. Hyun Decl. (ROA 142) ¶ 3. Plaintiffs must

		file a copy of the addendum to the settlement agreement signed by the parties, not only by counsel. 2. In its April 25, 2024 order (ROA 132), the court stated that the definition of "Released Claims" in the addendum to the settlement Agreement (Proposed Order (ROA 116) Ex. A) contained duplicative language, i.e., "any and all claims, damages, or causes of action alleged in, or arising out of, the allegations in the Complaint filed in the Action and the PAGA Notice, which were alleged or which reasonably could have been alleged by reason of or in connection with any fact set forth or referred to in Plaintiffs' operative complaint and/or the PAGA Notice based on any of the factual allegations contained in such complaints and/or the PAGA Notice, including, but not limited to" The definition of "Released Claims" in the addendum to the settlement agreement (Proposed Order (ROA 134) Ex. A) still contains duplicative language. The following phrase should be removed: "alleged in, or arising out of, the allegations in the Complaint filed in the Action and the PAGA Notice, which were." The following phrase should also be removed and replaced with "based on the facts alleged in": "by reason of or in connection with any fact set forth or referred to in." In addition, the definitions of "Released Claims" and "Released PAGA Claims" in the addendum to the settlement agreement appear to include Labor Code sections not alleged in either the complaint or the PAGA notice letter. 3. The class notice should be revised consistent with the above. The hearing on plaintiffs' motion for preliminary approval is continued to <u>December 19, 2024 at 2:00 p.m.</u> in Department CX104 to enable the parties to address and respond to the above issues. See also Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org). A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. If required, an amendment to the settlement agreement shall be submitted, rather than an "amended settlement agreement," to streamline the court's review of the documents. The parties shall provide redlined copies of any revised documents (e.g., revised settlement agreement, revised notice, revised proposed order). Plaintiffs are ordered to give notice, including to the LWDA, and to file a proof of service. Plaintiffs must also serve the LWDA
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		with any supplemental brief and any amended documents, and file a proof of service.
11	Duboc, et al. v. Irvine Company, LLC, et al. 2016-00894459	<u>Status Conference</u> The status conference scheduled for August 29, 2024 at 2:00 p.m. in Department CX104 remains on calendar.

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the county of Los Angeles, State of California. I am over the age of eighteen
4 years and not a party to the within action; my business address is 515 S. Figueroa St., Suite 1250, Los
5 Angeles, CA 90071. On the date below, I caused to be served the following document(s):

6 **NOTICE OF RULING ON PLAINTIFFS' MOTION FOR PRELIMINARY**
7 **APPROVAL OF CLASS ACTION SETTLEMENT**

8 on the interested party or parties in this action by placing [X] an original [] true copy thereof, enclosed
9 in a sealed envelope, and addressed as noted below.

Sarkis A. Atoyan Michael J. O'Connor Atkinson, Andelson, Loya, Ruud & Romo 201 South Lake Avenue, Suite 300 Pasadena, California 91101 Tel: (626) 583-8600 Fax: (626) 583-8610 <i>[Attorneys for Defendants]</i>	Zack Broslavsky (State Bar No. 241736) Jonathan A. Weinman (State Bar No. 256553) BROSLAVSKY & WEINMAN, LLP 1500 Rosecrans Ave., Suite 500 Manhattan Beach, CA 90266 Phone: (310) 575-2550 Fax: (310) 464-3550 <i>[Co-counsel for Plaintiffs]</i>
California Labor & Workforce Development Agency Attn: PAGA Administrator 1515 Clay Street, Suite 801 Oakland, CA 94612	

16 ☐ BY MAIL - I am "readily familiar" with the firm's practice of collection and processing
17 correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that
18 same day in the ordinary course of business. I am aware that on motion of the party served, service is
presumed invalid if postal cancellation date or postage meter date is more than a working day after the
date of deposit for mailing in this declaration.

19 ☐ BY EXPRESS MAIL - I am "readily familiar" with the firm's practice of collection and
20 processing correspondence for express mailing. Under that practice it would be deposited with U.S.
21 Postal Service or other mail carrier designated to accept Express Mail on that same day in the ordinary
course of business and in a sealed envelope, postage prepaid and addressed to the recipients above. I am
aware that on motion of the party served, service is presumed invalid if postal cancellation date or
postage meter date is more than a working day after the date of deposit for mailing in this declaration.

22 ☒ BY E-MAIL OR ELECTRONIC TRANSMISSION - Based on a court order or an agreement
23 of the parties to accept service by e-mail or electronic transmission, I caused the documents to be served
24 on the persons listed above on their e-mail addresses listed with the State Bar of California and firm
25 website. I did not receive, within a reasonable time period after the electronic transmission of
documents, any error or notification of the unsuccessful transmission of the documents. With respect to
the Labor Workforce Development Agency, I uploaded the above documents on the Agency's website
pursuant to the Agency's instructions for online submission.

26
27 ☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

28 Executed on August 29, 2024, at Los Angeles, California.


Dennis S. Hyun