

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

MINUTE ORDER

DATE: 03/08/2024 TIME: 01:30:00 PM DEPT: CX103

JUDICIAL OFFICER PRESIDING: Lon F. Hurwitz

CLERK: S. Turner

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: D. Miranda

CASE NO: **30-2021-01207569-CU-WT-NJC** CASE INIT.DATE: 06/25/2021

CASE TITLE: **Ascencio vs. Toshiba America Business Solutions, Inc.**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Wrongful Termination

EVENT ID/DOCUMENT ID: 74203880

EVENT TYPE: Motion - Other

MOVING PARTY: Marielos Ascencio, Toshiba America Business Solutions, Inc.

CAUSAL DOCUMENT/DATE FILED: Motion - Other to approve settlement, 09/19/2023

APPEARANCES

Matthew Scholl, from Constangy, Brooks, Smith & Prophete, LLP, present for Defendant(s) remotely.

Zoe Yuzma, from Colby Law Firm, PC, present for Plaintiff(s) remotely.

Tentative Ruling posted on the Internet .

The Court hears oral argument and reviews the Court's Minute Order issued 01/05/2024.

The Court ADOPTS the tentative ruling, MODIFIED as follows:

Motion for Approval of PAGA Settlement

On September 19, 2023, the parties filed the current Joint Motion for Approval of PAGA Settlement. (ROA 128.) The PAGA claim is based on Defendant's alleged failure to provide accurate itemized wage statements.

At the hearing on January 5, 2024, the Court continued the matter so counsel could address the concerns identified by the Court. (ROA 133.)

ISSUES RE PROPOSED ORDER:

The Proposed Order is wholly inadequate in that it consists of a single paragraph and does not provide any substantive information about the litigation or the settlement. Counsel must provide the Court with a proper and comprehensive Proposed Order.

NOT RESOLVED. Counsel has not provided a revised Proposed Order.

RULING:

The Motion for Approval of PAGA Settlement is **CONTINUED** to May 17, 2024, at 1:30 p.m. in Department CX103 to give counsel an opportunity to address the issues identified above by the Court.

Counsel must file supplemental papers addressing the Court's concerns no later than fourteen (14) calendar days prior to the continued hearing date. Counsel must also provide red-lined versions of all revised papers, as well as an explanation of how the pending issues were resolved, with precise citation to any corrections or revisions. A supplemental declaration or brief that simply asserts the issues have been resolved, or does not clearly state a specific concern has been resolved, is insufficient and will result in a continuance.

With respect to Issue No. 14 and the Notice Issue, The Court orders those issues vacated. The only issue remaining is the Proposed Order.

Plaintiff to give notice of this Court's ruling, including to the LWDA, within five (5) calendar days, and file proof of service.