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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

EDGAR MATA and ELVIS OLIVARES,
individually, on behalf of other members of the
general public similarly situated, and on behalf
of aggrieved employees pursuant to the Private
Attorneys General Act (“PAGA”);

Plaintiffs,

v.

DAY-LEE FOODS INC., a California
corporation; and DOES 1 through 100,
inclusive;

Defendants.

Case No.: 20STCV21664

Assigned for All Purposes to:
Honorable Kenneth R. Freeman
Department 14

CLASS ACTION

**PLAINTIFFS’ SUPPLEMENTAL BRIEF
IN SUPPORT OF PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

[Supplemental Declaration of Proposed Class
Counsel (Douglas Han); and Amended
[Proposed] Order filed concurrently
herewith]

Hearing Date: July 19, 2022
Hearing Time: 11:00 a.m.
Hearing Place: Department 14

Complaint Filed: June 4, 2020
FAC Filed: December 6, 2021
Trial Date: None Set

Plaintiffs Edgar Mata and Elvis Olivares (“Plaintiffs,” “Plaintiff Mata,” and “Plaintiff Olivares”) provide this supplemental submission in response to the Court’s tentative ruling on Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (the “Motion”) originally scheduled for hearing on March 15, 2022. The Motion was continued to July 19, 2022 with instructions to address the concerns outlined in the ruling.

The chart below lists each of the Court’s concerns from the tentative ruling and the revisions/submissions made to address each concern.

Ruling	Revisions/Submissions
(1) See ¶III.N.9 – Add “the Court’s approval” as an additional requirement to any further amendments or modifications to the Settlement Agreement.	The language of the Settlement Agreement in section III.N.9. has been modified to indicate any amendment or modification of the Settlement Agreement is subject to the Court’s approval. (Supplemental Declaration of Douglas Han In Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (“Supp. Han Decl.”), ¶ 8; Exhibit 3, § III.N.9.)
(2) The Notice should have its own page numbering.	The Class Notice has been modified to have its own page numbering by adding a page number at the bottom middle of each page. (Supp. Han Decl., <i>supra</i> , at ¶ 9; Exhibit 2.)
(3) If notice will be given in English only, explain why this is sufficient.	After the Parties met and conferred, it was determined that a Spanish translation of the Notice Packet will be necessary. Pursuant to

	this, the language of the Settlement Agreement in section III.I. has been modified to indicate that the Settlement Administrator will also be responsible for translating the Notice Packet into Spanish. (Supp. Han Decl., <i>supra</i>, at ¶ 10.)
(4) See ¶III.L – Make clear that the release of PAGA claims is limited to claims arising during the PAGA Timeframe.	The language of the Settlement Agreement in section III.L. has been modified to include a sentence that states, “The scope of the release of the PAGA claims is limited to claims arising during the PAGA Timeframe.” (Supp. Han Decl., <i>supra</i>, at ¶ 11; Exhibit 3, <i>supra</i>, at § III.L.)
(5) The agreement and notice each use the term “PAGA Released Claims” but it is undefined. Please provide a definition.	A definition for the term “PAGA Released Claims” has been added in the Settlement Agreement. (Supp. Han Decl., <i>supra</i>, at ¶ 12; Exhibit 3, <i>supra</i>, at § I.CC.) A definition for the term “PAGA Released Claims” has also been added in the Class Notice. (Supp. Han Decl., <i>supra</i>, at 13; Exhibit 2,

1		<i>supra</i> , at § 9.B.)
2	(6) Provide a copy of Plaintiff Edgar Mata’s	(Supp. Han Decl., <i>supra</i> , at ¶ 7; Exhibit 5.)
3	LWDA letter to the Court to review.	
4	(7) Confirm in the Settlement Agreement that	The language of the Settlement Agreement in
5	Defendant will also fund the employer payroll	section III.J.a. has been modified to include a
6	taxes at the same time as the GSA (see	sentence that states, “At this time, Defendant
7	¶III.J.9.a).	will also wire Defendant’s portion of payroll
8		taxes as the Class Members’ current or former
9		employer, which will be paid separately and in
10		addition to the Gross Settlement Amount, to
11		the Settlement Administrator.”
12		
13		(Supp. Han Decl., <i>supra</i> , at ¶ 14; Exhibit 3,
14		<i>supra</i> , at § III.9.a.)
15		
16		The language of the Class Notice has been
17		modified to confirm Defendant will fund
18		employer payroll taxes at the same time as the
19		Gross Settlement Amount.
20		
21		(Supp. Han Decl., <i>supra</i> , at ¶ 15; Exhibit 2,
22		<i>supra</i> , at § 10.)
23	(8) The Notice should inform class members	Language has been added to the Class Notice
24	of the option to appear by audio or video at	that informs Class Members of the option to
25	the final approval hearing and cite the court’s	appear by audio or video at the Final Approval
26	website for directions.	Hearing. The added language also cites the

	Court’s websites for directions and updates regarding the Court’s procedures regarding the pandemic. (Supp. Han Decl., <i>supra</i>, at ¶ 16; Exhibit 2, <i>supra</i>, at § 13.)
(9) How will notice of final judgment be given to the class? (Cal. Rules of Court, rule 3.771(b)) (e.g. Posted on administrator’s website.)	Language has been added to the Class Notice to explain notice of final judgment will be given to Class Members by having the final judgment posted on the Settlement Administrator’s website. (Supp. Han Decl., <i>supra</i>, at ¶ 17; Exhibit 2, <i>supra</i>, at § 13.)
(10) Make clear in the agreement (¶III.J.3.b) and notice (section 8) that the court will hear from any class member who attends the final approval hearing and asks to speak regarding his or her objection, regardless of whether they submitted a written objection.	The language of the Settlement Agreement in section III.J.3.b. has been modified to state, “However, the Court will hear from any Class Member who attends the Final Approval Hearing and asks to speak regarding his or her objection regardless of whether the Class Member submitted a written objection. In other words, a Class Member is not required to submit a written objection to be heard at the Final Approval Hearing.” (Supp. Han Decl., <i>supra</i>, at ¶ 18; Exhibit 3,

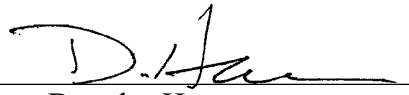
1 *supra*, at § III.J.3.b.)

2
3 Language has also been added to the Class
4 Notice that explains the Court will hear from
5 Class Members who attend the Final Approval
6 Hearing and ask to speak about their
7 objections regardless of whether they
8 submitted a written objection.

9
10 (Supp. Han Decl., *supra*, at ¶ 19; Exhibit 2,
11 *supra*, at § 8.)

12
13 Date: June 20, 2022

JUSTICE LAW CORPORATION

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16 By: 

Douglas Han
Shunt Tatavos-Gharajeh
Haig Hogdanian
Attorneys for Plaintiffs

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PROOF OF SERVICE
1013A(3) CCP

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 751 N. Fair Oaks Avenue, Suite 101, Pasadena, CA 91103 and my electronic service address is manderson@justicelawcorp.com

On June 21, 2022, I served the foregoing document described as

PLAINTIFFS' SUPPLEMENTAL BRIEF IN SUPPORT OF PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

for the following case: **Mata, et al. v. Day-Lee Foods Inc.**
LWDA/Court Case No.: **LWDA Case No.: CM- 832069-21**
Court Case No.: 20STCV21664
Los Angeles County Superior Court

on interested parties in this action by electronically submitting as follows:

State of California
Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

[X] BY ELECTRONIC SUBMISSION

Pursuant to California Senate Bill No. 836, I caused the documents described above to be electronically submitted by and through the procedure stated on the website of the State of California Labor and Workforce Development Agency.

[X] STATE

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

Executed on June 21, 2022, at Pasadena, California.



Mariah Anderson