

LIDMAN LAW, APC

Scott M. Lidman (SBN 199433)

slidman@lidmanlaw.com

Milan Moore (SBN 308095)

mmoore@lidmanlaw.com

2155 Campus Drive, Suite 150

El Segundo, California 90245

Tel: (424) 322-4772

Fax: (424) 322-4775

Attorneys for Plaintiff

ENEDINA SANCHEZ DE SEGURA

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)

phaines@haineslawgroup.com

2155 Campus Drive, Suite 180

El Segundo, California 90245

Tel: (424) 292-2350

Fax: (424) 292-2355

Attorneys for Plaintiff

ENEDINA SANCHEZ DE SEGURA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

ENEDINA SANCHEZ DE SEGURA, as an
individual and on behalf of all others similarly
situated,

Plaintiff,

vs.

KELCOURT PLASTICS, INC., a California
corporation; and DOES 1 through 100,
inclusive,

Defendant.

Case No. 30-2021-01219806-CU-OE-CXC

*[Assigned for all purposes to the Hon. Randall J.
Sherman, Dept. CX105]*

**PLAINTIFF'S SUPPLEMENTAL BRIEF IN
SUPPORT OF MOTION FOR MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, CLASS REPRESENTATIVE'S
SERVICE AWARD, AND ATTORNEYS' FEES
AND COSTS**

Date: May 17, 2024

Time: 10:00 a.m.

Dept.: CX105

[Complaint Filed: September 3, 2021]

[SAC Filed: June 5, 2023]

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 Plaintiff Enedina Sanchez de Segura (“Plaintiff”), jointly and on behalf of a class of similarly
3 situated individuals, hereby submits this Supplemental Brief in Support of Plaintiff’s Motion for Final
4 Approval of Class Action Settlement, Class Representative’s Service Award, and Attorneys’ Fees and
5 Costs (the “Motion”).

6 **I. PROCEDURAL HISTORY**

7 Plaintiff filed the Motion for Final Approval of Class Action Settlement on March 7, 2024, setting
8 it for hearing on March 29, 2024. (ROA No 202).

9 Prior to the hearing, the Court posted the tentative ruling continuing the hearing to May 17, 2024
10 at 10:00 a.m. and detailing the issues that need to be addressed in subsequent briefing. Consistent
11 therewith, Plaintiff hereby submits the instant supplemental brief (and accompanying declaration) to
12 address the issues identified by the Court.

13 Each of the issues are addressed in the same order as they are identified in the tentative ruling.

14 **II. ISSUES IDENTIFIED IN THE TENTATIVE RULING**

15 **A. Reduction in Number of Class Members**

16 The tentative ruling states:

17 The class size has decreased from 350 class members at the time of preliminary
18 approval to 257 class members at the time of final approval, and the number of aggrieved
19 employees has decreased from 190 at the time of preliminary approval to 162 at the time
20 of final approval, all without explanation. The parties should explain the reason for the
21 significant decrease in class size.

22 At the time Plaintiff filed her Motion for Preliminary Approval (ROA 149), the estimated class
23 size was 350 based on the documents and information provided by Defendant in connection with the
24 Parties’ mediation and negotiated settlement. However, that was an over estimation. That figure included
25 employees that were outside of the definition of the Settlement Class, including certain employees that
26 worked at Defendant’s facility located in San Diego, California and signed a Separation Agreement and
27 employees whose exemption status during the Class Period put them outside of the definition of the
28 Settlement Class. Indeed, on October 18, 2023, when Plaintiff filed her supplemental briefing in support
of her Motion for Preliminary Approval, Defendant had provided the settlement administrator, Phoenix

Settlement Administrators, with the class data. On October 17, 2023, Phoenix confirmed that at the time of Preliminary Approval, the class size was 257, the workweeks worked were 29,896 and the payments are as follows:

Payment	Class	PAGA
Average	\$5,054.47	\$231.48
High	\$12,513.78	\$373.11
Low	\$43.45	\$2.83

Supp. Lidman Decl., ¶ 3, Exhibit 1.

Prompt notice of the settlement was issued by Phoenix to only the 257 members of the class that met the definition of the Settlement Class.

B. Attorney Fee Split

The tentative ruling states: Plaintiff must provide information as to how attorneys’ fees will be split between the two law firms representing plaintiff and the class. Plaintiff must disclose the proposed split so that the court can approve separate attorneys’ fees awards.

The attorneys’ fee split is as follows: 40% to Lidman Law, APC and 60% to Haines Law Group, APC.

C. Attorneys’ Costs

The tentative ruling states: Plaintiff has not submitted her attorneys’ bills or a detailed breakdown of her attorneys’ costs to support the court’s review of the costs request. The Expense Summary disclosing only categories of cost items is insufficient. Each cost must be disclosed. A copy of counsel’s bills should satisfy this requirement.

Plaintiff has attached a copy of the billing records for this matter that reflects the costs incurred and requested in this matter, for a total of \$17,146.20 (which is significantly less than the \$30,000 cap included in the settlement agreement). *See* Supp. Lidman Decl., Exhibit 2.

D. Expert Expenses

The tentative ruling states: Plaintiff must fully explain the cost request for “Expert Expenses (for analysis for mediation)” in the amount of \$3,700, including identifying the expert and providing the

1 invoices. This court is aware of some plaintiffs' attorneys allegedly claiming outside attorneys' fees as
2 expert costs in settlement approval motions.

3 Plaintiff retained the services of Berger Consulting Group and the invoice in the amount of \$3,700
4 is attached to the supplemental declaration, filed concurrently herewith. *See* Supp. Lidman Decl., Exhibit
5 3.

6 **III. CONCLUSION**

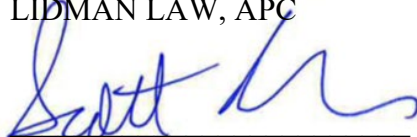
7 For the reasons stated herein, Plaintiff respectfully submits that this Court should grant Plaintiff's
8 motion in its entirety and adopt the [Proposed] Order of Final Approval of Class Action Settlement and
9 Final Judgment submitted herewith.

10 Based on the terms of the agreement, Plaintiff proposes the deadline to file the Settlement
11 Administrator declaration regarding the disbursement of Settlement be set for **January 31, 2025** and the
12 compliance hearing be set for **February 7, 2025 at 10:00 a.m.**

13
14 Dated: May 1, 2024

Respectfully submitted,
LIDMAN LAW, APC

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16 By:



17 Scott M. Lidman
18 Attorney for Plaintiff
19 ENEDINA SANCHEZ DE SEGURA
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