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LAURA TORRES

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

LAURA TORRES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

R. A. PHILLIPS INDUSTRIES, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No. 21STCV41572

*[Assigned for all purposes to the Hon. Kenneth R.
Freeman, Dept. SSC-14]*

**PLAINTIFF'S SUPPLEMENTAL BRIEF IN
SUPPORT OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 28, 2024
Time: 10:00 a.m.
Dept.: SSC-14

Action Filed: November 10, 2021
Trial Date: None Set

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

2 Plaintiff Laura Torres (“Plaintiff”), individually and on behalf of a class of similarly situated
3 individuals, hereby submit this Supplemental Brief in Support of Plaintiff’s Motion for Preliminary
4 Approval of Class Action Settlement (the “Motion”).

5 **I. PROCEDURAL HISTORY**

6 Plaintiff filed her Motion for Preliminary Approval of Class Action Settlement on March 31,
7 2023, setting it for hearing on September 5, 2023.

8 On September 6, 2023 the Court issued a Tentative Ruling detailing the issues that need to be
9 addressed in subsequent briefing.

10 In connection with addressing the issues identified by the Court, the Parties have executed an
11 Amended Joint Stipulation and Settlement Agreement and have modified the Court Approved Notice
12 of Class Action Settlement and Hearing Date for Final Court Approval. The following documents are
13 being submitted concurrently herewith as Exhibits to the Supplemental Declaration of Milan Moore
14 (“Supp. Moore Decl.”), as follows:

15 Attached as **Exhibit A** to the Supp. Moore Decl. is the Amended Joint Stipulation and
16 Settlement Agreement, with exhibit and fully executed.

17 Attached as **Exhibit B** to the Supp. Moore Decl. is the redlined version of the revised Court
18 Approved Notice of Class Action Settlement and Hearing Date for Final Court Approval.

19 Attached as **Exhibit C** to the Supp. Moore Decl. is the final version of the revised Court
20 Approved Notice of Class Action Settlement and Hearing Date for Final Court Approval.

21 **II. ISSUES IDENTIFIED IN THE COURT’S TENTATIVE RULING**

22 **A. Release of Claims**

23 The Tentative Ruling states: See SA ¶5.2. Modify the release of class claims to specify that
24 Class Members will only release claims alleged in, or arising out of facts asserted in, the operative First
25 Amended Complaint (rather than “the Action”).

26 The Parties have revised the release language as directed by the Court in the Amended Joint
27 Stipulation and Settlement Agreement and revised Court Approved Notice of Class Action Settlement
28 and Hearing Date for Final Court Approval. See Exhs. A-C to Supp. Moore Decl.

1 **B. Release of PAGA Claims**

2 The Tentative Ruling states: Similarly, at ¶SA ¶5.3 – Modify the PAGA release to specify that
3 Aggrieved Employees only release the claims alleged based on the PAGA Period facts stated in the
4 operative First Amended Complaint (rather than “the Action”).

5 The Parties have revised the release language as directed by the Court in the Amended Joint
6 Stipulation and Settlement Agreement and revised Court Approved Notice of Class Action Settlement
7 and Hearing Date for Final Court Approval. See Exhs. A-C to Supp. Moore Decl.

8 **C. Funding Date of Settlement Amount**

9 The Tentative Ruling states: The funding date of the settlement appears to be inconsistent
10 between the Settlement Agreement (¶4.3 – “no later than 10 business days after the Effective Date”) and the Notice (pg. 4 – “not more than 14 days after the Judgment entered by the Court become final”).
11 Please resolve.

12 The Parties have revised the funding date in the Court Approved Notice of Class Action
13 Settlement and Hearing Date for Final Court Approval to “no later than 10 business days after the
14 Effective Date,” which is consistent with the Settlement agreement. See Exhs. B-C to Supp. Moore
15 Decl.

16 **D. Deductions from Settlement Amount**

17 The Tentative Ruling states: The Settlement Agreement at ¶3.2.2 should specify the capped
18 amount for attorney litigation costs under the settlement (\$32,000).

19 The Parties have added the capped litigation costs of \$32,000 to paragraph 3.2.2 of the Amended
20 Joint Stipulation and Settlement Agreement. See Exh. A to Supp. Moore Decl.

21 **E. Settlement Agreement and Class Notice**

22 The Tentative Ruling states: The class and PAGA releases disclosed to Class Members in the
23 notice should be verbatim to the releases in the Settlement Agreement.

24 The Parties can confirm the class and PAGA releases disclosed to Class Members in the notice
25 are verbatim to the releases in the Settlement Agreement. See Exhs. A-C to Supp. Moore Decl.

26 **F. Notice to LWDA**

27 The Tentative Ruling states: Provide proof of submission of the proposed settlement agreement
28 to the LWDA. This also applies any further revised versions of the settlement agreement.

1 Plaintiff submitted the Joint Stipulation and Settlement Agreement to the LWDA on March 31,
2 2023, the same date she filed her Motion for Preliminary Approval. See Exh. D to Supp. Moore Decl.

3 Plaintiff has submitted the Amended Joint Stipulation and Settlement Agreement to the LWDA
4 on February 23, 2024. See Exh. E to Supp. Moore Decl.

5 **III. CONCLUSION**

6 For the foregoing reasons and the reasons discussed in Plaintiff's Motion, Plaintiff respectfully
7 requests that the Court preliminarily approve the proposed Addendum to the Settlement, provisionally
8 certify the Settlement Class, and enter the Amended Proposed Order Granting Preliminary Approval of
9 Class Action Settlement submitted concurrently herewith.

10 Dated: February 26, 2024

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12 By: Milan Moore
13 Milan Moore
14 Attorney for Plaintiff
15 LAURA TORRES
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