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Attorneys for Plaintiff Christian Ramirez, individually,
and on behalf of all others similarly situated.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

CHRISTIAN RAMIREZ, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

TUTTLE-CLICK FORD, INC.; TUTTLE-
CLICK, INC.; TUTTLE-CLICK TUSTIN,
INC.; TUTTLE-CLICK'S CAPISTRANO
FORD, INC.; TCAG, INC.; and DOES 1
through 20, inclusive,

Defendants.

Case No. 30-2021-01238846-CU-OE-CXC

*Assigned for All Purposes to:
Hon. Layne H. Melzer
Dept. CX-102*

**PLAINTIFF'S SECOND SUPPLEMENTAL
BRIEF IN SUPPORT OF MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

Date: March 14, 2025
Time: 1:30 pm
Dept: CX-102

I. INTRODUCTION

Plaintiff Christian Ramirez (“Plaintiff”) provides this supplemental submission in response to the Court’s Minute Order dated October 18, 2024 (ROA # 131), which ruled on Plaintiff’s Motion for Approval of PAGA Settlement.

Concurrently with this submission, Plaintiff submits the Supplemental Declaration of Jessica L. Campbell in Support of Motion for Approval of PAGA Settlement (“Campbell Decl.”), Supplemental Declaration of Jodey Lawrence Of Behalf Of Phoenix Class Action Administration Solutions In Support Of Plaintiff’s Motion For Approval Of Settlement Of Claims Brought Under The Private Attorneys’ General Act (“Suppl. Lawrence Decl.”), and a revised Proposed Order Granting Motion For Approval Of PAGA Settlement And Entering Judgment.

The revised Private Attorneys General Act Settlement Agreement And Limited Release (“Settlement”) is attached to the Campbell Decl. as **Exhibit 1**, with the Notice to PAGA Employees included as **Exhibit A**. The Campbell Decl. also includes the following exhibits:

- **Exhibit 2:** Redlined version of the Settlement.
- **Exhibit 3:** Confirmation email from the LWDA proving Plaintiff’s Counsel served the revised Settlement and supplemental papers on the LWDA.

II. RESPONSE TO COURT ORDER

As to the Settlement:

Issue #1 PAGA Employee Count, Workweeks, Escalation Clause:

The Court’s ruling states:

1. An “executive” for defendant, Ed Yashar, states there are 219 employees, 7,970 pay periods, and the escalator is not triggered. ROA 128 ¶ 2. These facts are the province of a neutral administrator, not an interested party. The Yashar declaration is dated 09-16-24 and the administrator’s declaration (ROA 129) is dated 10-03-24. Even if that was not enough time for the administrator to confirm the numbers, this hearing was continued in June 2024 and the PAGA Period ended 10-16-23. In other words, the supplemental papers exhibit a lack of diligence.

1 Response to Issue #1 PAGA Employee Count, Workweeks, Escalation Clause:

2 Plaintiff is filing concurrently with this brief Supplemental Declaration of Jodey Lawrence
3 Of Behalf Of Phoenix Class Action Administration Solutions In Support Of Plaintiff's Motion For
4 Approval Of Settlement Of Claims Brought Under The Private Attorneys' General Act ("Suppl.
5 Lawrence Decl."), who is a third-party administrator, not an interested party. The Lawrence
6 Declaration confirms that there are 7,943 pay periods between December 30, 2020, and October
7 16, 2023 (the PAGA/Liability Period), the aggrieved member count is 219, and therefore the
8 escalator clause is not triggered. (Suppl. Lawrence Decl., ¶ 4.) In response to the Court's concern
9 about a lack of diligence, Plaintiff's counsel would like to explain that we tried for several months
10 to obtain the data from Defendant. Because we could not get an earlier hearing date, there was
11 little incentive for Defendant to prioritize production of the data. However, we still submitted the
12 filing on time. We apologize to the Court for the appearance of a lack of diligence. (Campbell
13 Decl., ¶ 3.)

14 Issue #2 Administrator Invoice:

15 The Court's ruling states:

16 2. After the court expressed skepticism regarding the \$8,500 sought in administration costs,
17 counsel explains that amount incorrectly assumed this PAGA-only action was a class
18 action. ROA 124 ¶ 5. The court previously ordered an invoice for actual administration
19 costs. ROA 108. It appears the administrator does not know how many aggrieved
20 employees there are, even at this late date and the administrator has still not provided an
21 invoice, but an estimate for \$4,000, which reflects 250 individuals as of 10-03-24.
22 However, the Yashar Decl. dated 09-16-24 reflects 219 individuals. If there are 219
23 individuals, that is a substantial difference and an invoice reflecting the actual number must
24 be provided.

25 Response to Issue #2 Administrator Invoice:

26 The Administrator has now provided an invoice for the 219 employees. The reduction in
27 PAGA group size reduced the invoice to \$3,925.00. (Suppl. Lawrence Decl., Exhibit A.) Although
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the Administrator’s invoice uses the term “estimate” within the document, the Suppl. Lawrence Decl. clarifies that Exhibit A contains the breakdown of how its fee was calculated. (See Suppl. Lawrence Decl., ¶¶ 7-8.)

Issue #3 Release:

The Court’s ruling states:

3. The Release in §§ I(17) and III(1) is appropriately revised, but § IV(1) is only partially corrected as it still reads “Release by PAGA Employees and LWDA.

Response to Issue #3 Release:

The Settlement has been revised to delete the word “and LWDA” in the heading. (See Campbell Decl., Exhibits 1 and 2 at § IV(1).)

As to the Proposed Order:

Issue #4 in the Proposed Order:

The Court’s ruling states:

4. The operative settlement is misidentified as ROA 118 Ex. 1. See ROA 124 Ex. 3.

Response to Issue #4 in the Proposed Order:

Once all documents are submitted pursuant to the court’s ruling, Plaintiff will file a revised proposed order with the correct ROA reference in paragraph 1.

Dated: February 21, 2025

AEGIS LAW FIRM, PC

By: /s/ Jessica L. Campbell
Jessica L. Campbell
Attorneys for Plaintiff Christian Ramirez