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Attorneys for Plaintiff

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

SAMYRA MCCREA, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiff,

v.

ROCKRIDGE MARKET HALL, LLC dba
MARKET HALL FOODS, a California limited
liability company; SARA ELIZABETH
WILSON, ANTHONY GORDON WILSON,
and PETER SYDNEY WILSON dba MARKET
HALL FOODS, a general partnership;
MARKET HALL FOODS, a general
partnership; and DOES 6 through 100,
inclusive;

Defendants.

Case No.: 22CV005647

Assigned for All Purposes to:
Honorable Evelio Grillo
Department 21

CLASS ACTION

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

[Reservation ID: 007881192730]

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

Hearing Date: February 22, 2023
Hearing Time: 10:00 a.m.
Hearing Place: Department 21

Complaint Filed: January 20, 2022
FAC Filed: May 10, 2022
Trial Date: None Set

Plaintiff Samyra McCrea (“Plaintiff”) provides this supplemental submission in response to the Court’s tentative ruling on Plaintiff’s Motion for Preliminary Approval of Class Action Settlement originally scheduled for hearing on January 25, 2023. On January 24, 2023, prior to the scheduled preliminary approval hearing, the Court issued a tentative ruling ordering Plaintiff and Defendants Rockridge Market Hall, LLC dba Market Hall Foods; Sara Elizabeth Wilson, Anthony Gordon Wilson, and Peter Sydney Wilson dba Market Hall Foods; and Market Hall Foods (collectively, “Defendants”) to make several changes to the Class Action and PAGA Settlement Agreement (“Agreement” or “Settlement”) and Court Approved Notice of Class Action and PAGA Settlement (“Class Notice”).

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
Issue #1 – Release of LWDA’s Claims by Plaintiff under PAGA The agreement suggests that the parties intend that the plaintiff as agent and proxy of the LWDA releases the LWDA’s claims. The agreement’s release section does not state that the plaintiff as agent and proxy of the LWDA releases the LWDA’s claims. (NOT IN Agt para 5.) The parties might want to add this to the agreement.	The Agreement, Class Notice, and Exclusion Form have been amended accordingly. (Supplemental Declaration of Douglas Han in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement (“Supp. Han Decl.”), ¶¶ 4, 7-8; Exhibit 2, ¶¶ 5, 5.3, 7.5.4; Exhibit 3, pp. 21-22, 27; Exhibit 4.)
Issue #2 – Release of LWDA’s Claims by Aggrieved Employees The named plaintiff does not represent the “aggrieved employees” in the claims under PAGA and therefore cannot release PAGA	The Agreement, Class Notice, and Exclusion Form have been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶¶ 5, 7-8; Exhibit 2, <i>supra</i>, at ¶¶ 5, 5.3, 7.5.4; Exhibit 3, <i>supra</i>, at pp. 21-22, 27; Exhibit 4.)

claims on their behalf. (Agt para 1.41, 5.3.)

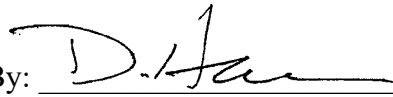
Issue #3 – Release of Claims by Named Plaintiff

The Agreement does not expressly release the “individual PAGA claims” of the named plaintiff. In *Viking River*, the US Supreme Court recognized something it called an “individual PAGA claim.” The agreement’s release section does not expressly state that the plaintiff as an individual releases an “individual PAGA claim.” If that is the intent of the parties, then the parties might want to add this to the agreement.

Plaintiff’s Release includes “all PAGA claims that were or reasonably could have been alleged based on facts contained in the operative complaint and/or Plaintiff’s PAGA Notice.” (Supp. Han Decl., *supra*, at ¶ 6; Exhibit 2, *supra*, at ¶ 5.1.) This includes Plaintiff’s individual PAGA claim. (Sup. Han Decl., ¶ 6; see Exhibit 2, ¶ 5.1.)

Dated: February 14, 2023

JUSTICE LAW CORPORATION

By: 
Douglas Han
Shunt Tatavos-Gharajeh
Halina E. Szymanski
Attorneys for Plaintiff

**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 aokada@justicelawcorp.com

On February 14, 2023, I served the foregoing document described as

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

for the following case: **McCrea v. Rockridge Market Hall, LLC d/b/a Market Hall Foods,
et al.**
LWDA/Court Case No.: **LWDA Case No.: CM-862370-22
Court Case No.: 22CV005647
Alameda 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 February 14, 2023, at Pasadena, California.



Anna Okada