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

HANK GONZALES and MARK GARCIA,
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 of 2004
("PAGA");

Plaintiffs,

v.

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

Defendants.

Case No.: 21STCV30676

Assigned for All Purposes to:
Honorable Lawrence P. Riff
Department 7

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: March 20, 2023
Hearing Time: 10:00 a.m.
Hearing Place: Department 7

Complaint Filed: August 19, 2021
FAC Filed: May 23, 2022
Trial Date: None Set

Plaintiffs Hank Gonzales (“Plaintiff Gonzales”) and Mark Garcia (“Plaintiff Garcia”) (collectively, “Plaintiffs”) provide this supplemental submission in response to the Court’s tentative ruling on Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement originally scheduled for hearing on December 12, 2022. On December 9, 2022, prior to the scheduled preliminary approval hearing, the Court issued a tentative ruling ordering Plaintiffs and Defendant Maintex, Inc. (“Defendant”) to make several changes to the Settlement Agreement and Stipulation to Resolve Class Action and PAGA Claims (“Settlement” or “Settlement Agreement”) and Notice of Class Action 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
See ¶ 31. Modify the release of class claims to specify that Class Members will only release claims alleged in, or arising out of facts asserted in, the operative First Amended Complaint (rather than “the Action”).	The Settlement Agreement has been amended accordingly. (Supplemental Declaration of Douglas Han in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (“Supp. Han Decl.”), ¶ 4; Exhibit 2, ¶ 31.)
See ¶ 24. Modify the release of PAGA claims to specify that Aggrieved Employee will only release claims alleged in, or arising out of facts asserted in Plaintiff’s PAGA letter.	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i> , at ¶ 5; Exhibit 2, <i>supra</i> , at ¶¶ 24, 43.)

As the funding date has already been specified in the agreement (see ¶ 54.b), but the date of final approval of the settlement has not yet been established, modify the effective date of the release (¶ 42) to be the date on which Defendant fully funds the settlement or the Court grants final approval of the settlement, whichever is later.	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 6; Exhibit 2, <i>supra</i>, at ¶¶ 42-44.)
Ensure the notice accurately reflects the Court's current social distancing procedures for attendance at hearings and review of court files. (Counsel should check the Court website for most current information.)	The Class Notice has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 7; Exhibit 3, <i>supra</i>, at ¶¶ VIII, IX.)
See ¶ 50.a. Remove the presumption that notice has been received if not returned within 14 days of mailing. Efforts to locate updated addresses for returned notices should continue throughout the 45-day notice period.	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 8; Exhibit 2, <i>supra</i>, ¶¶ 50(a)-50(b).)

Assure the Settlement Agreement and Notice are consistent and that the Settlement Agreement has been signed by all parties and counsel. Carefully proofread both.

The Class Notice has been amended to be consistent with the changes made to the Settlement Agreement. (Supp. Han Decl., *supra*, at ¶ 9; Exhibit 3, *supra*, at ¶¶ III(9)-(10).) The Amended Settlement Agreement has been signed by the Parties and their counsel. (Supp. Han Decl., ¶ 9; Exhibit 4.)

Provide proof of submission of the proposed settlement agreement to the LWDA. (Lab. Code, § 2699, subd. (1)(2).) This also applies to any further revised versions of the settlement agreement.

The Amended Settlement Agreement has been submitted to the LWDA. (Supp. Han Decl., *supra*, at ¶ 10; Exhibit 6.)

Dated: February 24, 2023

JUSTICE LAW CORPORATION

By: 
Douglas Han
Shunt Tatavos-Gharajeh
Attorneys for Plaintiffs

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