

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER**

MINUTE ORDER

DATE: 04/10/2025

TIME: 02:00:00 PM

DEPT: CX102

JUDICIAL OFFICER PRESIDING: Layne H. Melzer

CLERK: J. Quamina

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: A. Condaras

CASE NO: **30-2022-01239732-CU-OE-CXC** CASE INIT.DATE: 01/05/2022

CASE TITLE: **Flowers vs. G&L Commercial Pool Services**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT ID/DOCUMENT ID: 74501471

EVENT TYPE: Motion for Approval of Class Settlement

MOVING PARTY: Jonathan Flowers

CAUSAL DOCUMENT/DATE FILED: Motion - Other Motion for Preliminary Approval of Class Action Settlement, 09/25/2024

APPEARANCES

Leah Beligan, from BELIGAN & CARNAKIS, present for Plaintiff(s) remotely.

Christopher Olsen, from Michael Sullivan & Associates LLP, present for Defendant(s) remotely.

Hearing held, all participants appearing remotely.

Tentative Ruling posted on the Internet.

Both Parties **SUBMITS** on the Court's tentative ruling.

The Court **CONFIRMS** the tentative ruling **FINAL** as follows:

Motion for Approval of Class Settlement

The Court has reviewed the supplemental materials submitted by Class Counsel. Although they substantially address the previously identified issues, counsel has failed to provide the Court with a copy of the fully executed revised Joint Stipulation and Settlement Agreement. Therefore, Plaintiff Jonathan Flowers's Motion for Preliminary Approval of Class Action Settlement is **CONDITIONALLY GRANTED**, pending submission of a copy of the fully executed revised Joint Stipulation and Settlement Agreement.

This is a putative wage-and-hour class action. On January 5, 2022, Plaintiff Jonathan Flowers, on behalf of himself and all others similarly situated and on behalf of the general public ("Plaintiff"), file a Class Action Complaint against Defendant G&L Commercial Pool Services, Inc. dba Aquatrends ("Defendant"). The Complaint asserts six (6) causes of action for various wage-and-hour violations of the Labor Code and a violation of the Unfair Competition Law.

On September 25, 2024, Plaintiff filed the current Motion for Preliminary Approval of Class Action Settlement, and submitted the Joint Stipulation and Settlement Agreement for the Court's review. The Motion seeks preliminary approval of the parties' proposed settlement for the non-reversionary Gross Settlement Amount of \$125,000.00.

After the Court express certain concerns at the January 31, 2025 hearing, the parties prepared the revised Joint Stipulation and Settlement Agreement. Based on a review of the revised Settlement Agreement, the Court finds the Settlement falls within the range of what is considered far and reasonable, subject to a final determination at the Final Approval hearing.

However, the Court notes that the revised Settlement Agreement has not been executed. Preliminary approval cannot be granted without proof that the operative Settlement Agreement has been executed by the parties.

Therefore, within five (5) court days, Class Counsel must file a supplemental declaration with an attached copy of the fully executed revised Joint Stipulation and Settlement Agreement. Upon submission of a copy of the fully executed Agreement, the Court will grant the Motion for Preliminary Approval.

Within five (5) court days, Class Counsel must also provide a revised Class Notice and revised Proposed Order with the following corrections:

- Class Notice and Proposed Order must be revised to reflect the reassignment of this matter to the Hon. Layne H. Melzer in Department CX102;
- Language in the opening paragraph of the Proposed Order improperly states the revised Settlement Agreement is attached to the Proposed Order as Exhibit 1. The operative Settlement Agreement is not to be attached to the Proposed Order, but instead must be identified by the ROA number of the declaration to which it is attached.
- Paragraph 16 of the Proposed Order must state that the Court's continuing jurisdiction is pursuant to CCP § 664.6 and CRC 3.769(h).

The Motion for Final Approval will be heard on July 24, 2025, at 2:00 p.m. in Department CX102.

All papers for the Motion for Final Approval are due no later than sixteen (16) court days prior to the hearing date. If Class Counsel cannot meet this deadline, then counsel must request a continuance of the hearing. Failure to do so may result in the issuance of an OSC re Monetary Sanctions.

At the Final Approval hearing, evidence supporting the request for an award of attorneys' fees should be presented in the form of time records, or a summary of time spent on the substantive tasks, to enable the Court to evaluate the lodestar and costs claimed. Class Counsel should state by declaration whether time records were kept and created contemporaneously or otherwise. The Court also reminds Plaintiff's counsel that although a determination regarding the amount of the attorneys' fees award will not be made until final approval, the Court is unlikely to approve attorneys' fees in excess of thirty percent (30%) of the Gross Settlement Amount absent unique circumstances. As a result, Plaintiff's counsel should address in the supplemental filing whether any such unique circumstances exist in this litigation.

At the Final Approval hearing, Plaintiff and Class Counsel must provide detailed declarations describing circumstances to justify the requested enhancement award, and addressing factors set forth in *Golba v. Dick's Sporting Goods, Inc.* (2015) 238 Cal.App.4th 1251, 1272, and *Clark v. Am. Residential Servs., LLC* (209) 175 Cal.App.4th 785, 804. Plaintiff must provide an estimate of the hours spent participating in this litigation.

Plaintiff to give notice of this Court's ruling, including to the LWDA, within five (5) calendar days, and file proof of service.