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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

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

Plaintiff,

vs.

SOUTH COAST CIRCUITS, INC., a California
Corporation; ROYAL FLEX CIRCUITS, INC., a
California Corporation; and DOES 1 through 100,

Defendants.

Case No. 30-2022-01244244-CU-OE-CXC

*[Assigned for all purposes to the Hon. Lon
F. Hurwitz, Dept. CX-103]*

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

Date: January 5, 2024

Time: 1:30 p.m.

Dept.: CX-103

Complaint Filed: February 4, 2022

Trial Date: None Set

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

2 Plaintiff Veronica Lucatero Torres (“Plaintiff”) hereby submits the following
3 supplemental brief in response to the Court’s November 3, 2023 Tentative Ruling regarding
4 Plaintiff’s Motion for Preliminary Approval of Class Action Settlement (the “Ruling”). After
5 reviewing the Court’s Ruling, Plaintiff and Defendants South Coast Circuits, Inc. and Royal Flex
6 Circuits, Inc. (“Defendants”) (Plaintiff and Defendants are collectively referred to as the
7 “Parties”) amended the Stipulation of Settlement (“Settlement Agreement”) and the Notice of
8 Pendency of Class Action and Proposed Settlement (“Class Notice”) in accordance with the issues
9 identified by the Court.

10 Plaintiff addresses each issue raised in the Court’s Ruling. The amended Settlement
11 Agreement and Class Notice are attached as Exhibits 1 and 2, respectively, to the Declaration of
12 Sean M. Blakely, filed concurrently herewith. Red-line versions of the Settlement Agreement and
13 Class Notice showing all changes are attached as Exhibits 3 and 4, respectively, to the Declaration
14 of Sean M. Blakely (“Blakely Decl.”).

15 **1. High and Low Individual Settlement Payments and PAGA Payments**

16 The Court’s Ruling states: “*Counsel must also provide high and low amounts for*
17 *Individual Settlement Payments and PAGA Payments.*”

18 As indicated in Plaintiff’s Motion for Preliminary Approval, the average Individual
19 Settlement Payment is estimated at approximately \$2,741.23 and the average payment from the
20 PAGA Amount is estimated at approximately \$105.26. Blakely Decl., ¶ 4. The highest Individual
21 Settlement Payment is estimated at approximately \$9,221.56. *Id.* The lowest Individual
22 Settlement Payment is estimated at approximately \$53.50. *Id.* The highest estimated payment
23 from the PAGA Amount is estimated at approximately \$211.77. *Id.* The lowest estimated
24 payment from the PAGA Amount is estimated at approximately \$3.59. *Id.*

25 **2. Requests for Exclusion / Remailing of Notices**

26 The Court’s Ruling states: “*Court prefers 45-day deadline after remailing. Settlement*
27 *must provide that Court retains final authority as to validity and authenticity of opt out requests.*”

28 The Parties revised the Settlement Agreement to provide that Settlement Class members

1 shall have forty-five calendar days from the date of re-mailing, or until the Response Deadline
2 has expired, whichever is later, to submit a Request for Exclusion, Objection, or dispute. *See*
3 Blakely Decl., ¶ 3, Exhibits. 1 & 3, at ¶ 9(F). The Parties further revised the Settlement Agreement
4 to provide that “[T]he Court shall make the final determination regarding the validity and
5 authenticity of any Requests for Exclusion.” *See* Blakely Decl., ¶ 3, Exhibits, 1 & 3, at ¶ 9(C)(i).

6 **3. Objections / Remailing of Notices**

7 The Court’s Ruling states: “*Settlement should state that objections must be submitted by*
8 *Response Deadline. Court prefers 45-day deadline after remailing.*”

9 The Parties revised the Settlement Agreement to indicate that written objections must be
10 submitted by the Response Deadline. Blakely Decl., ¶ 3, Exhibits 1 & 3, at ¶ 9(D). The Parties
11 revised the Settlement Agreement to provide that Settlement Class members shall have forty-five
12 calendar days from the date of re-mailing, or until the Response Deadline has expired, whichever
13 is later, to submit a Request for Exclusion, Objection, or dispute. *See* Blakely Decl., ¶ 3, Exhibits
14 1 & 3, at ¶ 9(F).

15 **4. Attorneys’ Fees and Litigation Costs**

16 The Court’s Ruling states: “*At Final Approval, counsel must provide billing records or*
17 *summary in support of its fees, and documentation in support of costs. Counsel must also disclose*
18 *whether there is a fee-splitting arrangement with any other counsel or confirm none exists. (CRC*
19 *3.769(b)). Settlement should state that if lesser amount awarded, difference will be part of the Net*
20 *Settlement Amount.*”

21 At final approval, Class Counsel will provide information to support its requested
22 attorneys’ fees and provide documentation in support of litigation costs. Counsel will also disclose
23 whether there is a fee-split arrangement at final approval.

24 The Parties revised the Settlement Agreement to provide that if the Court awards a lesser
25 amount for Attorneys’ Fees and Costs, the Class Representative Incentive Payment, and/or
26 Settlement Administration Costs, the difference shall become part of the Net Settlement Amount
27 for the benefit of Settlement Class members who do not opt out. *See* Blakely Decl., ¶ 3, Exhibits
28 1 & 3, at ¶¶ 5-7.

1 **5. Settlement Administrator**

2 The Court’s Ruling states: “*Settlement does not state whether administrator will post*
3 *FAC, Settlement Agreement, Class Notice, and Orders for Preliminary Approval on its website.*
4 *At Final Approval, administrator must provide invoice of fees and expenses.*”

5 The Parties revised the Settlement Agreement to require the Settlement Administrator to
6 “maintain a website and post important documents from the case, including the operative
7 complaint, the Settlement Agreement, the Class Notice, and the orders granting preliminary and
8 final approval.” *See* Blakely Decl., ¶ 3, Exhibits 1 & 3, at ¶ 7. At Final Approval, the Settlement
9 Administrator will provide an invoice of fees and expenses.

10 **6. Court’s Continuing Jurisdiction**

11 The Court’s Ruling states: “*Settlement should also state that Court’s continuing*
12 *jurisdiction is pursuant to CRC Rule 3.769(h).*”

13 The Parties revised the Settlement Agreement to reference this California Rule of Court.
14 *See* Blakely Decl., ¶ 3, Exhibits 1 & 3, at ¶ 27.

15 **ISSUES RE CLASS NOTICE**

16 1. The Court’s Ruling states: “*Class Notice to be revised consistent with the issues*
17 *identified above.*”

18 The Parties revised the Class Notice consistent with the issues raised in the Court’s Ruling.
19 *See* Blakely Decl., ¶ 3, Exhibits 2 & 4.

20 2. The Court’s Ruling states: “*Title of Class Notice should state it is for Class Action*
21 *and PAGA Settlement.*”

22 The Parties made this requested change to the Class Notice. *See* Blakely Decl., ¶ 3,
23 Exhibits 2 & 4, at page 1.

24 3. The Court’s Ruling states: “*Class Notice should provide opt out, objections, and*
25 *dispute deadline after remailing of Class Notice.*”

26 The Parties added the following language to the Class Notice: “Settlement Class members
27 to whom Notice Packets are re-mailed after having been returned as undeliverable to the
28 Settlement Administrator shall have forty-five (45) calendar days from the date of re-mailing, or

1 until the <<RESPONSE DEADLINE>> has expired, whichever is later, to submit a Request for
2 Exclusion, Objection, or dispute.” See Blakely Decl., ¶ 3, Exhibits 2 & 4, at page 5.

3 4. The Court’s Ruling states: “*Class Notice should provide actual proposed date for*
4 *Final Approval Hearing.*”

5 The Parties revised the Class Notice to indicate the proposed Final Approval Hearing date
6 of May 24, 2024 at 1:30 p.m. See Blakely Decl., ¶ 3, Exhibits 2 & 4, at pages 5-6.

7 **ISSUES RE PROPOSED ORDER (ROA 62)**

8 1. The Court’s Ruling states: “*The Proposed Order is to be revised consistent with*
9 *the issues identified above.*”

10 The [Proposed] Order is consistent with the issues identified in the Court’s Ruling.

11 2. The Court’s Ruling states: “*Caption should state it is for preliminary approval of*
12 *Class Action and PAGA Settlement.*”

13 Plaintiff made this requested change to the caption of the [Proposed] Order.

14 3. The Court’s Ruling states: “*Opening paragraph should reference Stipulation of*
15 *Settlement by ROA number of declaration to which it is attached.*”

16 Plaintiff made this requested change to the caption of the [Proposed] Order.

17 4. The Court’s Ruling states: “*Paragraph 11 should include actual proposed date of*
18 *Final Approval Hearing.*”

19 Plaintiff made this requested change to paragraph 10 of the [Proposed] Order.

20 5. The Court’s Ruling states: “*Must include paragraph regarding Court’s continuing*
21 *jurisdiction under CCP § 664.6 and CRC Rule 3.769(h).*”

22 Plaintiff made this addition to the [Proposed] Order. See ¶ 16 of [Proposed] Order.

23 6. The Court’s Ruling states: “*Should include requirement that Settlement*
24 *Administrator must provide copy of its invoice with a declaration regarding administration of the*
25 *Settlement at Final Approval.*”

26 Plaintiff made this requested change to paragraph 12 of the [Proposed] Order. See ¶ 12
27 of [Proposed] Order.

28 7. The Court’s Ruling states: “*Should include paragraph advising how Class*

1 *Members will be notified of final judgment.”*

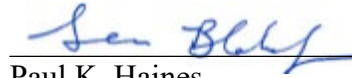
2 Plaintiff made this addition to the [Proposed] Order. *See ¶ 17 of [Proposed] Order.*

3
4 Respectfully submitted,

5 Dated: December 22, 2023

HAINES LAW GROUP, APC

6 By:



7 Paul K. Haines

8 Sean M. Blakely

9 Attorneys for Plaintiff