

DOUGLAS HAN (SBN 232858)
SHUNT TATAVOS-GHARAJEH (SBN 272164)
LILY SHORT (SBN 354743)
JUSTICE LAW CORPORATION
751 N. Fair Oaks Avenue, Suite 101
Pasadena, California 91103
Telephone: (818) 230-7502
Facsimile: (818) 230-7259

Attorneys for Plaintiff

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

DERRICK MCCOY, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiff,

v.

AW INDUSTRIES, LLC D/B/A NEWAIR, a
Nevada limited liability company; and DOES 1
through 100, inclusive;

Defendants.

Case No.: 30-2022-01289657-CU-OE-CXC

Assigned for All Purposes to:
Honorable Melissa McCormick
Department CX-105

CLASS ACTION

**SUPPLEMENTAL BRIEF IN SUPPORT
OF PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

[Reservation ID: 74512241]

RELATED TO ROA NUMBER: 93

*[Supplemental Declaration of Proposed Class
Counsel (Douglas Han) and Declaration of
Krishna Mankal filed concurrently herewith]*

Hearing Date: January 8, 2026
Hearing Time: 2:00 p.m.
Hearing Place: Department CX-105

Complaint Filed: November 2, 2022
Trial Date: None Set

Plaintiff Derrick McCoy (“Plaintiff”) provides this Supplemental submission in response to the Court’s ruling on the Motion for Preliminary Approval of Class Action Settlement originally scheduled for hearing on July 24, 2025. On July 24, 2025, prior to the scheduled preliminary approval hearing, the Court issued a tentative ruling, which the parties submitted to, ordering Plaintiff and Defendant AW Industries, LLC d/b/a Newair (“Defendant”) to make changes to the settlement documents that were submitted alongside the Motion for Preliminary Approval of Class Action Settlement.

The chart below lists each of the Court’s issues from the ruling and the revisions/submissions made to address each issue.

Ruling	Revisions/Submissions
(1) Plaintiff should state his anticipated total consideration to be received (including for any individual claims and excluding any enhancement award).	(Supp. Han Decl., <i>supra</i> , at ¶ 4.)

(2) When are the releases effective? Paragraph I.Q of the settlement agreement states the releases are effective on the Effective Date. Paragraphs I.DD, I.II, III.L and III.M state the releases are effective upon defendant's fulfillment of its payment obligations. The court will not require the class members and aggrieved employees to release their claims until defendant has fully funded the settlement.	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 5; Exhibit 3, <i>supra</i>, at ¶ 2.)
(3) The "Released Claims" provision is overbroad. Settlement Agreement ¶ I.II. The release of the class members' claims must be fairly tailored to the claims that were or reasonably could have been asserted in the lawsuit based on the facts alleged in the operative complaint. In the first sentence of paragraph I.II, (i) the word "reasonably" should be inserted after "could" and before "have been asserted"; (ii) the phrase "circumstances, primary rights, or allegations" should be removed; and (iii) the word "alleged" should be inserted before "in the Complaint." Item Nos. 16 and 17 should be removed from the second sentence of paragraph I.II of the settlement agreement.	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 6; Exhibit 3, <i>supra</i>, at ¶ 3.) The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 7; Exhibit 4, <i>supra</i>, at § 9(A).)

(4) The “Released Parties” provision in paragraph I.JJ of the settlement agreement is overbroad as it includes unrelated, unidentified and/or ambiguous third parties such as “representative,” “all affiliates,” “agents (including any investment bankers, accountants, insurers, reinsurers, auditors, consultants, attorneys),” and “spouses.” In addition, why should “staffing agencies that supplied workers to Defendant (including Apple One, BaronHR, CV Resources, Driven Talent, Empire Workforce, and Randstad)” properly be included in “Released Parties”?	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 8; Exhibit 3, <i>supra</i>, at ¶ 4.) The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 9; Exhibit 4, <i>supra</i>, at § 9.)
(5) Plaintiff’s counsel seeks attorneys’ fees not to exceed one-third of the Gross Settlement Amount. While the court will not determine the amount of attorneys’ fees to be awarded until the final approval hearing, the court is unlikely to approve attorneys’ fees exceeding 30% of the Gross Settlement Amount absent unique circumstances. Plaintiff should address in the supplemental filing whether any such unique circumstances exist in this case.	(Supp. Han Decl., <i>supra</i>, at ¶ 10; Exhibit 7.)

(6) Plaintiff seeks an enhancement award of \$10,000. Absent unique circumstances, the court is unlikely to approve an enhancement payment in excess of \$5,000. If unique circumstances warrant the higher amount plaintiff seeks, plaintiff should submit a declaration and/or other information explaining those circumstances with the supplemental filings.	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 11; Exhibit 3, <i>supra</i>, at ¶¶ 1, 5.) The Class Notice has been amended to indicate that the enhancement payment to Plaintiff will not exceed \$5,000. (Supp. Han Decl., <i>supra</i>, at ¶ 12; Exhibit 4, <i>supra</i>, at § 10(3).)
(7) Plaintiff's counsel should submit an itemized detail of the costs incurred to date and estimated future costs, if any.	(Supp. Han Decl., <i>supra</i>, at ¶ 13; Exhibits 8-10.)
(8) Defendant should advise, in a declaration filed with the court, whether, after making reasonable inquiry, it is aware of any class, representative or other collective action in any court that asserts claims similar to those asserted in this action. If any such actions are known to exist, the declaration shall also state the name and case number of any such case and the procedural status of that case, and describe the impact of the settlement on that case.	(Supp. Han Decl., <i>supra</i>, at ¶ 14.) (Declaration Krishna Mankal, ¶¶ 4-6.)

1 2 3 4	(9) The notice should be revised consistent with the above.	The Class Notice has been amended to be consistent with the aforementioned changes. (Supp. Han Decl., <i>supra</i> , at ¶ 15; Exhibit 4.)
5 6 7 8 9 10	(10) As a general matter, the notice should be substantially shortened, e.g., repetitive and redundant information should be removed, as should unnecessarily detailed information (e.g., the paragraph about how to access the court's website should be shortened).	The Class Notice has been modified accordingly. (Supp. Han. Decl., <i>supra</i> , at ¶ 15; Exhibit 4.)
11 12 13 14 15	(11) The judge's name (Judge Melissa R. McCormick) and the court department (CX105) should be updated throughout the document.	The Class Notice has been revised to be consistent with the above. (Supp. Han Decl., <i>supra</i> , at ¶ 16; Exhibit 4, <i>supra</i> , at §§ 1, 13.)
16 17 18 19 20	(12) The notice should state the specific amount of not-to-exceed attorneys' fees.	The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i> , at ¶ 17; Exhibit 4, <i>supra</i> , at §§ 10(1), 12.)
21 22 23 24 25 26	(13) Section 8 of the notice should refer to the objection form.	The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i> , at ¶ 18; Exhibit 4, <i>supra</i> , at § 8.)

1		The Settlement Agreement has been revised
2		for consistency.
3		
4		(Supp. Han Decl., <i>supra</i> , at ¶ 19; Exhibit 3,
5		<i>supra</i> , at ¶ 6.)
6	14) The last sentence of section 10 should be	The Class Notice has been modified
7	removed.	accordingly.
8		
9		(Supp. Han Decl., <i>supra</i> , at ¶ 20; Exhibit 4,
10		<i>supra</i> , at § 10.)
11	(15) The language on the objection form	The Objection Form has been modified
12	requiring the submission of additional pages	accordingly.
13	should be removed and the objection form	
14	should be reformatted to fit on one page with	(Supp. Han Decl., <i>supra</i> , at ¶ 21; Exhibit 5.)
15	space for explanation of the objection at the	
16	bottom of the page.	
17	(16) Should the notice be translated into any	The Class Notice does not need to be
18	language other than Spanish?	translated into other languages aside from
19		Spanish.
20		
21		(Supp. Han Decl., <i>supra</i> , at ¶ 22.)
22	(17) The proposed order should be revised in	The Class Notice has been modified
23	accordance with the above.	accordingly.
24		
25		(Supp. Han Decl., <i>supra</i> , at ¶ 23; Exhibit 6.)

(18) Counsel’s name and contact information should be removed from the caption page.	The Preliminary Approval Order has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 24; Exhibit 6, <i>supra</i>, at p. 1.)
(19) The judge’s name (Hon. Melissa R. McCormick) and the court department (CX105) should be updated on the caption page and throughout the document.	The Preliminary Approval Order has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 25; Exhibit 6, <i>supra</i>, at p. 1, ¶ 25.)
(20) The last sentence of paragraph 1 of the proposed order should be removed.	The Preliminary Approval Order has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 26; Exhibit 6, <i>supra</i>, at ¶ 1.)
(21) The proposed order should state the specific amount of not-to-exceed attorneys’ fees.	The Preliminary Approval Order has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 27; Exhibit 6, <i>supra</i>, at ¶ 8.)
(22) The first sentence of paragraph 22 of the proposed order should be revised to state: “The court orders the parties and the settlement administrator to carry out their duties and obligations in accordance with terms of the settlement agreement.”	The Preliminary Approval Order has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 28; Exhibit 6, <i>supra</i>, at ¶ 22.)

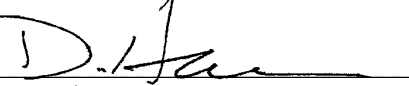
(23) The parties should propose a date for the final approval hearing. The court holds final approval hearings on Thursdays at 2:00 p.m. The motion for final approval should be filed and served at least 16 court days before the hearing.

The Preliminary Approval Order has been amended to propose a Final Approval Hearing date.

(Supp. Han Decl., *supra*, at ¶ 29; Exhibit 6, *supra*, at ¶ 25.)

Dated: November 4, 2025

JUSTICE LAW CORPORATION

By: 

Douglas Han

Attorneys for Plaintiff

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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 ccastro@justicelawcorp.com

On November 4, 2025, I served the foregoing document described as

SUPPLEMENTAL BRIEF IN SUPPORT OF PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

for the following case: **McCoy v. AW Industries LLC D/B/A Newair**
LWDA/Court Case No.: **LWDA Case No.: CM-892136-22**
Court Case No.: 30-2022-01289657-CU-OE-CXC
Orange 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 November 4, 2025, at Pasadena, California.



Christina Castro