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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF ORANGE

12 ROBERT ONOFRE, as an aggrieved employee
pursuant to the Private Attorneys General Act
13 (“PAGA”),

14 Plaintiffs,

15 vs.

16 ANAHEIM MAJESTIC GARDEN HOTEL, a
California corporation; PHR MANAGEMENT,
17 INC., a California corporation; KEN REAL
ESTATE LEASE LTD., a business entity of
18 unknown form; and DOES 1 through 10,
inclusive,

19 Defendants.

20
21 MIGUEL ZALDIVAR AVILA, individually
and on behalf of all others similarly situated,

22 Plaintiffs,

23 vs.

24 ANAHEIM MAJESTIC GARDEN HOTEL,
business form unknown; TSUBAKI HOTEL
25 COLLECTION, business form unknown, and
DOES 1-50, inclusive,

26 Defendants.
27
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Case No.: 30-2016-00861544-CU-OE-CXC

**SECOND SUPPLEMENTAL
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: June 13, 2019
Time: 2:00 p.m.
Place: Department CX102

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TABLE OF CONTENTS

I. INTRODUCTION..... 4

II. ARGUMENT 4

 A. Judgment in the *Onofre* Action Followed by a Dismissal with Prejudice of the Avila
 Action..... 4

 B. The Parties Have Revised the Settlement and Class Notice to Address the Court’s
 Concerns 4

III. CONCLUSION..... 4

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On May 22, 2019, the Court directed Plaintiffs to: (1) explain what claims, if any, will remain in the *Avila* action should the Court grant final approval of this Settlement—the short answer is none, the *Avila* action will be dismissed in its entirety with prejudice; (2) revise the Amended Terms to state only that “a written statement of all grounds for objection,” and to state only “copies of any documents upon which the objection is based”; and (3) revise the Class Notice to inform class members to click “Access Now” next to Civil Case & Document Access.

Plaintiffs respectfully submit this supplemental memorandum of points and authorities to address the above items, and to summarize how the Parties amended the Settlement and Class Notice to address the Court’s concerns.

II. ARGUMENT

A. Judgment in the *Onofre* Action Followed by a Dismissal with Prejudice of the *Avila* Action

If the Court grants preliminary and final approval of the Settlement, Plaintiff Onofre will ask the Court to enter a judgment in this action approving the terms of the Settlement and barring Class Members from re-litigating the Released Claims. Plaintiff Avila will then seek to dismiss his action in its entirety with prejudice. No claims will remain.

B. The Parties Have Revised the Settlement and Class Notice to Address the Court’s Concerns

The Parties have revised the Amendment to the Joint Stipulation of Class Action Settlement and Release to state only that “a written statement of all grounds for objection,” and to state only “copies of any documents upon which the objection is based.” See Revised Amendment to the Joint Stipulation of Class Action Settlement and Release (“Amendment”). The Parties have also revised the Class Notice to inform Class Members to click “Access Now” next to Civil Case & Document Access in the “Additional Information” section.

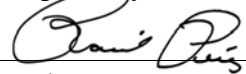
III. CONCLUSION

The Parties have negotiated a fair and reasonable settlement of claims. Having appropriately

1 presented the materials and information necessary for preliminary approval, the Parties request that the
2 Court preliminarily approve the settlement.

3
4 Dated: June 6, 2019

Respectfully submitted,

5 By:  _____

6 Raul Perez
7 Robert Drexler
8 Molly DeSario
9 Jonathan Lee
10 **CAPSTONE LAW APC**

11 James W. Hawkins
12 **JAMES W. HAWKINS, APLC**

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