

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

MINUTE ORDER

DATE: 02/01/2024 TIME: 02:00:00 PM DEPT: CX104

JUDICIAL OFFICER PRESIDING: Melissa R. McCormick

CLERK: C. Sanchez

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: I. Olivares

CASE NO: **30-2021-01182977-CU-OE-CXC** CASE INIT.DATE: 02/05/2021

CASE TITLE: **Le vs. M4D LLC**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT ID/DOCUMENT ID: 74128577

EVENT TYPE: Motion for Final Approval

MOVING PARTY: Kevin Lam

CAUSAL DOCUMENT/DATE FILED: Motion - Other For Final Approval, 01/12/2024

APPEARANCES

No Appearance by all parties

Tentative Ruling posted on the Internet.

Prior to calendar call, all parties submit on the Court's tentative ruling.

In open court. There are no appearances by any party.

The Court confirms the tentative ruling as follows:

Plaintiff Kevin Lam's Motion for Final Approval of Class Action and PAGA Settlement

The court has reviewed and considered the papers, including the Supplemental Dancy Declaration filed January 24, 2024 (ROA 124), filed in support of plaintiff Kevin Lam's motion for final approval of a class action and PAGA settlement. The court has the following questions and comments:

1. Was the October 18, 2023 Order Granting Preliminary Approval (ROA 110) served on the LWDA? Plaintiff must file a proof of service reflecting how and when the October 18, 2023 Order Granting Preliminary Approval was served on the LWDA.
2. The parties should submit a declaration attesting to the high, low and average PAGA payments.
3. Garcia & Phan should submit a declaration in support of the requested attorneys' fees and litigation costs that includes:
 - a. The name of each attorney who worked on the case, the lawyer's position (e.g., partner, associate, etc.), and the lawyer's years of practice, experience in class action litigation, and experience in litigation of the type at issue in the case;
 - b. The hourly billing rate for each attorney who worked on the case, and statement that the hourly rate is the reasonable and usual hourly rate charged by that attorney for similar services;

- c. The total number of hours worked by each attorney on the case;
- d. The specific tasks performed on the case and the time spent on each task;
- e. If fees are sought for paralegals, verification that each paralegal meets the requirements of Business & Professions Code section 6450 et seq., including qualifications and continuing education. Hourly billing rates and hours worked shall be included for paralegals, as well as a statement that the hourly rate is the reasonable and usual hourly rate charged for similar services by the paralegal; and
- f. Authenticating the Garcia & Phan time records, billing statements, or other records attached to the Gould Declaration (ROA 117) as Exhibit 4.
4. The settlement administrator should submit an invoice supporting its costs.
5. The term ("Settlement Class") should be inserted on page 2 line 18 of the proposed order and judgment after "August 28, 2022."
6. The proposed order and judgment should state that no disputes were received. See Supp. Dancy Decl. (ROA 124) ¶ 6.
7. "Payments" on page 5 line 7 of the proposed order and judgment should be "Payment."
8. The parties should address how notice of entry of judgment will be given. See Cal. R. Ct. 3.771(b). If the settlement administrator established a website for the case, the proposed order and judgment should state that the settlement administrator will post a copy of the order and judgment on the website for 180 days.
9. The parties should propose a date for the final accounting hearing. Should the motion for final approval be granted, the court will hold a final accounting hearing on a Thursday at 9:00 a.m. The final accounting hearing should occur after the deadline for class members to cash their checks. Plaintiff shall submit a final accounting report at least 9 court days before the final accounting hearing regarding the status of the settlement administration. The final report must include all information necessary for the court to determine the total amount actually paid to class members and any amounts tendered to the State Controller's Office under the unclaimed property law.

The hearing on plaintiff's motion for final approval is continued to June 6, 2024 at 2:00 p.m. in Department CX104 to enable the parties to address and respond to the above issues. A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. If required, an amendment to the settlement agreement shall be submitted, rather than an "amended settlement agreement," to streamline the court's review of the documents. The parties shall provide redlined copies of any revised documents (e.g., revised settlement agreement, revised notice, revised proposed order).

Plaintiff is ordered to give notice, including to the LWDA, and to file a proof of service. Plaintiff must also serve the LWDA with any supplemental brief and any amended documents, and file a proof of service.