

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

MINUTE ORDER

DATE: 06/06/2024 TIME: 02:00:00 PM DEPT: CX104

JUDICIAL OFFICER PRESIDING: Melissa R. McCormick

CLERK: V. Harting

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: 74220521

EVENT TYPE: Motion for Final Approval

MOVING PARTY: Kevin Lam

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

APPEARANCES

William Richards, from O'Hagen Meyer, LLP, present for Defendant(s) remotely.

Aarin A. Zeif, from The Gould Law Firm, present for Plaintiff(s) remotely.

Hearing held, all participants appearing remotely.

Tentative Ruling posted on the Internet.

Court hears from counsel and 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 papers, 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. Plaintiff states that defendant "recently informed" plaintiff that defendant is unable to pay the settlement and thus plans to pay the settlement in monthly payments. Supp. Brief (ROA 142) ¶ 11. Plaintiff states the parties seek guidance from the court regarding this issue. *Id.*

This is an issue for the parties to resolve. If the settlement will be amended to be predicated on a payment plan and/or on defendant's financial situation, admissible evidence of defendant's financial situation should be provided to the court, including appropriate financial documents such as balance sheets, cash flow statements, and profit and loss statements.

2. In its February 1, 2024 order (ROA 133), the court asked the parties to address how notice of entry of judgment will be given. See Cal. R. Ct. 3.771(b). The court's order states that 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.

Plaintiff states that the parties "believe . . . notice of entry of judgment can be mailed to class members with settlement checks." Supp. Brief (ROA 142) ¶ 8. The settlement administrator's invoice (Supp. Dancy Decl. (ROA 131) Ex. B) states that the settlement administrator established a website for the case.

Accordingly, 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.

3. 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 October 31, 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.

PROOF OF SERVICE
STATE OF CALIFORNIA

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is: 161 Fashion Lane, Suite 207, Tustin, Ca 92780. On October 14, 2024, I served the within document(s):

- **SUPPLEMENTAL BRIEF IN SUPPORT OF PLAINTIFF LAM'S MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**
- **[PROPOSED] ORDER AND JUDGMENT GRANTING PLAINTIFF LAM'S MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT, PLAINTIFF LAM'S REQUEST FOR ATTORNEYS' FEES AND COSTS, AND CLASS REPRESENTATIVE SERVICE PAYMENT**
- **DECLARATION OF SAM LAHAM**
- **MINUTE ORDER DATED 6/6/24**

In the matter of **Le v. M4D LLC, 30-2021-01182977**, on the following interested party(ies) in this action:

William Richards wrichards@ohaganmeyer.com Katherine C. Den Bleyker kdenbleyker@ohaganmeyer.com O'HAGAN MEYER 4695 MacArthur Ct., Suite 900 Newport Beach, Ca 92660	Representing: Defendant M4D LLC
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☐ **(By Mail)** The envelope was mailed with postage thereon fully prepaid. As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Tustin, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

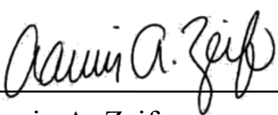
☐ **(By Hand Delivery)** I delivered the within documents to the attorney service for delivery to the person(s) at the address(es) set forth below with instructions that such envelope be delivered personally on October 10, 2024.

☐ **(By Overnight Mail)** I am readily familiar with the firm's practice of collection and processing correspondence for mailing with FedEx. Under that practice it would be deposited with FedEx on that same day thereon fully prepaid at Tustin, California in the ordinary course of business. The envelope was sealed and placed for collection and mailing on that date following ordinary business practices.

☒ **(By Electronic Mail)** The document listed above was transmitted via email to the email address(es) noted above

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 14, 2024, at Tustin, California



Arin A. Zeif