

AEGIS LAW FIRM, PC

KASHIF HAQUE, State Bar No. 218672

SAMUEL A. WONG, State Bar No. 217104

JESSICA L. CAMPBELL, State Bar No. 280626

ALEX J. VALLE, State Bar No. 334263

Email: avalle@aegislawfirm.com

9811 Irvine Center Drive, Suite 100

Irvine, California 92618

Telephone: (949) 379-6250

Facsimile: (949) 379-6251

Attorneys for Plaintiff Maria Saldana, individually,
and on behalf of all others similarly situated.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

MARIA SALDANA, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

CRYOPORT SYSTEMS LLC; and DOES 1
through 20, inclusive,

Defendants.

Case No. 30-2023-01312802-CU-OE-CXC

Assigned for all purposes to:
Hon. William Claster
Dept. CX101

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

Date: October 18, 2024

Time: 9:00 a.m.

Dept.: CX101

1 **I. INTRODUCTION**

2 Plaintiff Maria Saldana (“Plaintiff”) provides this Supplemental Brief in response to the
3 Court’s tentative ruling on Plaintiff’s Motion for Preliminary Approval of Class and Representative
4 Action Settlement (“Motion”). Concurrently with this Brief, Plaintiff submits the Supplemental
5 Declaration of Alex J. Valle in support of Plaintiff’s Motion with the following exhibits:

- 6 • Exhibit 1: Amended Class Action and PAGA Settlement Agreement and Class Notice.
7 • Exhibit 2: Redlined Amended Class Action and PAGA Settlement Agreement and Class
8 Notice.
9 • Exhibit 3: Confirmation email after submitting the Amended Class Action and PAGA
10 Settlement Agreement and Class Notice to the LWDA.
11 • Exhibit 4: *Curriculum vitae* of Bennett Berger of Berger Consulting Group.

12 Plaintiff addresses the Court’s concerns from the tentative ruling below:

13 **II. THE COURT’S TENTATIVE RULING**

14 **A. The Settlement.**

15 **1. Plaintiff’s Expert:**

16 The Court seeks further clarification as follows:

17 *“Who was the expert retained to value the claims? Please provide a CV.”*

18 Plaintiff provides supplemental briefing as follows:

19 Before attending mediation, Plaintiff retained Berger Consulting Group to provide
20 valuations of Plaintiff’s claims. (Supplemental Declaration of Alex J. Valle “Valle Decl.” at ¶ 3.)
21 The valuation was performed by Bennett Berger of Berger Consulting Group, and Plaintiff submits
22 to the Court the *curriculum vitae* of Bennett Berger. (*Id.* at ¶3, Exh. 4.)

23 **2. Class Counsel:**

24 The Court seeks further clarification as follows:

25 *“Per the notice of motion, class counsel is to be Aegis Law Firm as a firm, but per*
26 *the settlement agreement, class counsel is to be four specific attorneys at Aegis:*
27 *Kashif Haque, Samuel Wong, Jessica Campbell, and Alex Valle. Which is correct?*
28 *Further, if Alex Valle is to be appointed class counsel in his own right, has any*

1 *court ever appointed him class counsel before?”*

2 Plaintiff provides supplemental briefing as follows:

3 The Parties intend for Class Counsel to be Aegis Law Firm as a firm. (Valle Decl., at Exhs.
4 1 & 2, § 1.6.) The Parties have revised the settlement agreement to clarify this change. The prior
5 version of the settlement agreement listed Kashif Haque, Samuel Wong, Jessica Campbell, and
6 Alex Valle, as those four attorneys performed and continue to perform work on this case. (*Id.* at ¶
7 4.)

8 **3. Release of Class Claims:**

9 The Court seeks further clarification as follows:

10 *“The class action release for participating class members includes ‘claims*
11 *of...Enforcement of Labor Code §§ 2698, et seq. Participating class members*
12 *should not release PAGA claims. Only aggrieved employees should.”*

13 Plaintiff provides supplemental briefing as follows:

14 The Parties have revised § 6.2 of the Settlement Agreement to remove “Enforcement of
15 Labor Code §§ 2698, et seq.” (Valle Decl., at Exhs. 1 & 2, ¶ 6.2.)

16 **4. Release of PAGA Claims:**

17 The Court seeks further clarification as follows:

18 *“The aggrieved employees release claims for civil penalties that ‘were alleged, or*
19 *reasonably could have been alleged, based on the facts stated in the Operative*
20 *Complaint, and the PAGA Notice and ascertained in the course of the Action.’ What*
21 *does ‘ascertained in the course of the Action’ mean? Are there claims for civil*
22 *penalties ascertained during this action that aren’t based on facts pled in the*
23 *complaint or the pre-filing letter?”*

24 Plaintiff provides supplemental briefing as follows:

25 There are no claims based on facts that were not pled in the Operative Complaint or the
26 pre-filing letter. (Valle Decl., at ¶ 5.) All claims and theories asserted in this action are listed in the
27 PAGA Notice and Operative Complaint. (*Id.*)

28 **5. Final Approval:**

1 The Court seeks further clarification as follows:

2 *“At final approval, please submit contemporaneously made billing records for*
3 *attorney’s fees and costs. The Court will not be inclined to award an amount of fees*
4 *and costs greater than the amount stated in the notice. At final approval, please*
5 *submit billing records of administrative costs. The Court will not be inclined to*
6 *award administrative costs in an amount greater than the amount stated in the*
7 *notice. At final approval, the administrator is to provide a high, low and average*
8 *for individual settlement payments, along with Plaintiff’s individual payouts.”*

9 Plaintiff provides supplemental briefing as follows:

10 Plaintiff will submit billing records for attorneys’ fees and costs (not to exceed the amount
11 stated in the Class Notice), billing records for administrative costs (not to exceed the amount stated
12 in the Class Notice), and a “high, low, and average for individual settlement payments, along with
13 Plaintiff’s individual payout” at final approval. (Valle Decl., at ¶ 6.)

14 **B. The Notice.**

15 **1. Class Notice Language:**

16 The Court seeks further clarification as follows:

17 *“Does notice need to be given in any languages other than English”*

18 Plaintiff provides supplemental briefing as follows:

19 All Class Members read and understand English. (See, generally, Declaration of Defendant
20 Cryoport Systems LLC.)

21 **2. Corresponding Changes to the Class Notice:**

22 The Court seeks further clarification as follows:

23 *“If any changes are made to the settlement agreement, please make corresponding*
24 *changes to the notice.”*

25 Plaintiff provides supplemental briefing as follows:

26 The Parties have amended the notice and settlement agreement to reflect these changes
27 explained herein. (Valle Decl., at Exhibits 1 & 2, p. 5.)

28 **3. Class Notice Font Size:**

1 The Court seeks further clarification as follows:

2 *“The font size in the actual notice may not be smaller than the font size in the*
3 *proposed notice provided to the Court.”*

4 Plaintiff provides supplemental briefing as follows:

5 Plaintiff will ensure that the final class notice sent to all Class Members is the same size as
6 the one submitted herewith. (Valle Decl., at ¶ 7.)

7 **III. CONCLUSION**

8 For the foregoing reasons, Plaintiff requests the Court approve the proposed settlement in
9 this Action.

10 Dated: October 9, 2024

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13 By _____

Alex J. Valle
Attorneys for Plaintiff Maria Saldana