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Attorneys for Plaintiff Yadira Gonzalez, as an individual
and on behalf of all employees similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

YADIRA GONZALEZ, as an individual and
on behalf of all employees similarly situated,

Plaintiff,

v.

RV RETAILER SAN DIEGO, LLC, a Limited
Liability Company; RV RETAILER, LLC, a
Limited Liability Company; BLUE
COMPASS RV, LLC, a Limited Liability
Company; and DOES 1 through 50, inclusive,

Defendants.

Case No.: CVRI2301403

[Assigned for all purposes to Hon. Harold W. Hopp,
Dept. 1]

**PLAINTIFF'S COMPLIANCE CHART IN
SUPPORT OF PLAINTIFF'S MOTION FOR
AN ORDER APPROVING SETTLEMENT
OF CLAIMS BROUGHT PURSUANT TO
THE PRIVATE ATTORNEY GENERAL'S
ACT OF 2004**

Reservation N: 054779068314

Date: November 13, 2023

Time: 8:30a.m.

Courtroom: Dept. 1

Judge: Hon. Harold W. Hopp

Action Filed: March 16, 2023

Trial Date: Not Set

CASE MANAGEMENT ORDER COMPLIANCE CHART

Gonzalez v. RV Retailer San Diego, LLC, et al.

Riverside County Superior Court Case N CVRI2301403

Case Management Order requirements applicable to PAGA settlement	Requirements met in moving papers
The settlement agreement shall not provide that any order, notice, form, or judgment shall include any provision that this order prohibits from being included in such a document. (Section G.1.a.)	PRIVATE ATTORNEYS GENERAL ACT SETTLEMENT AGREEMENT AND RELEASE (“Settlement Agreement”) is attached as Exhibit “1.” to the Declaration of Lilit Tunyan in Support of Plaintiff’s Motion for and Order Approving Settlement of Claims brought pursuant to PAGA (“Tunyan Decl.”).
The settlement agreement shall be written, signed by all necessary parties, and filed, either in the form of a separate stipulation or as an authenticated attachment to a declaration of counsel. (Section G.1.b.)	Tunyan Decl., ¶ 45, Exh. 1.
Regardless of the terms of the proposed settlement, counsel shall not file a Notice of Settlement of Entire Case (Judicial Council form CM-200). (Section G.2.)	No Notice of Settlement of Entire Case was filed by the Parties.
The motion shall be supported by a declaration from the plaintiff’s attorney that, <i>inter alia</i> , sets forth the attorney’s estimate of the number of aggrieved employees employed during the applicable PAGA period. (Section G.3.a.i.)	Tunyan decl., ¶ 5.
The motion shall be supported by a declaration from the plaintiff’s attorney that, <i>inter alia</i> , (A) sets forth the attorney’s estimate of the total amount of damages, monetary penalties or other relief that the class would be awarded on each claim if that claim were entirely successful at trial; (B) explains how that estimate was calculated; and (C) states the	Tunyan decl., ¶ 25.

1	collective total for all of the claims. (Section G.3.a.ii.)	
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3	The motion shall be supported by a declaration	Tunyan decl., ¶¶ 22- 27.
4	from the plaintiff's attorney that, <i>inter alia</i> ,	
5	sets forth: (A) the attorney's estimate as to	
6	each claim of the total amount of damages,	
7	monetary penalties or other relief that the class	
8	could reasonably expect to be awarded at trial,	
9	taking into account difficulties of proof, the	
10	defendant's defenses, and other attendant risks;	
11	(B) the attorney's reasons for those estimates;	
12	(C) the likely award at trial for all claims	
13	collectively. (Section G.3.a.iii.)	
14		
15	The motion shall be supported by a declaration	Tunyan decl., ¶ 28.
16	from the plaintiff's attorney that, <i>inter alia</i> ,	
17	sets forth the attorney's estimate of the	
18	recovery by the individual aggrieved	
19	employees under the proposed settlement of	
20	any PAGA claim. (Section G.3.a.v.)	
21		
22	The motion shall be supported by a declaration	Tunyan decl., ¶¶ 12-14, 18-21.
23	from the plaintiff's attorney that, <i>inter alia</i> ,	
24	describes in detail the nature and extent of the	
25	formal and informal discovery exchanged and	
26	other factual investigation conducted to	
27	determine the size of the class and the strength	
28	of the class claims. (Section G.3.a.vi.)	
	The motion shall be supported by a declaration	Tunyan decl., ¶ 29.
	from the plaintiff's attorney that, <i>inter alia</i> ,	
	states (A) whether the attorney is aware of any	
	class, representative or other collective action	
	in any other court in this or any other	
	jurisdiction that asserts claims similar to those	
	asserted in this action on behalf of a class or	
	group of individuals some or all of whom	
	would also be members of the class defined in	
	this action and (B) whether the attorney made	
	reasonable inquiry of other members of the	
	attorney's law firm and any associated law	
	firm to determine whether those individuals are	
	aware of any such similar actions. If any such	
	similar actions are known to exist, the	

1 2 3 4	declaration shall also state (C) the name and case number of any such case, the nature of the claims asserted, the definition of the class or other parties on whose behalf the action is brought, and the procedural status of that case. (Section G.3.a.vii.)	
5 6 7 8 9 10 11 12 13	The motion shall be supported by a declaration from the defendant's attorney that states (i) whether the attorney is aware of any class, representative or other collective action in any other court in this or any other jurisdiction that asserts claims similar to those asserted in this action on behalf of a class or group of individuals some or all of whom would also be members of the class defined in this action and (ii) the name and case number of any such case, the nature of the claims asserted, the definition of the class or other parties on whose behalf the action is brought, and the procedural status of that case. (Section G.3.b.)	Declaration of Boris Sorsher in support of Plaintiff's Motion for and Order Approving Settlement of Claims brought pursuant to PAGA
14 15	The motion shall describe how the value of any uncashed checks, unpaid cash residue, or other unclaimed or abandoned funds will be distributed. (Section G.3.c.)	Tunyan decl., ¶ 16 (i), Plaintiff's Motion for and Order Approving Settlement of Claims brought pursuant to PAGA ("PAGA Approval Motion") at 3:12-16.
16 17 18 19 20	In a wage-and-hour case, the Court believes that redistribution of the value of uncashed check to those class members who have cashed their checks will better serve the public interest and the interest of the class that distribution in the manner otherwise prescribed by California Code of Civil Procedure section 384, subdivision (b). (Section G.3.c.i.)	Tunyan decl., ¶ 16 (i), Plaintiff's Motion for and Order Approving Settlement of Claims brought pursuant to PAGA ("PAGA Approval Motion") at 3:12-16.
21 22 23 24 25 26	If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by: A declaration from the plaintiff's attorney, stating whether bids were sought from multiple potential administrators and, if so, the results of that competitive bidding. If the parties did not select the lowest bidder, the declaration shall explain that decision. (Section G.3.d.i.)	Tunyan decl., ¶ 44.
27 28	If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by a	Declaration of Lisa Mullins on behalf of ILYM Group, Inc. in support of Plaintiff's Motion for an order approving settlement of claims brought

1	declaration from the administrator describing the administrator's experience. (Section G.3.d.ii.A.)	pursuant to PAGA. ("Settlement Administrator Declaration) ¶ 2, Exh. A.
2		
3	If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by a declaration from the administrator describing the fee to be charged by the administrator to perform the services described in the settlement agreement and proposed order. (Section G.3.d.ii.B.)	Settlement Administrator Declaration, ¶ 6, Exh. C.
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8	If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by a declaration from the administrator describing whether that fee is (1) fixed, (2) hourly, or (3) hourly with a cap. (Section G.3.d.ii.C.)	Settlement Administrator Declaration, ¶ 6, Exh. C.
9		
10		
11		
12	If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by a declaration from the administrator describing how the fee was calculated. (Section G.3.d.ii.D.)	Settlement Administrator Declaration, ¶ 6, Exh. C.
13		
14		
15	Any release of claims by PAGA penalties shall bind only the named plaintiff and the State of California and shall release only those claims described in the notice sent by plaintiff to the LWDA, and only to the extent they are alleged in the complaint. (Section G.3.e.iv.)	Settlement Agreement, ¶ 2.
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18		
19	If notice is not to be given by first class mail to addresses believed to be current, the motion shall discuss the proposed method of giving notice, the alternative methods considered, and the reasons that the proposed method is the one most likely to give actual notice to the greatest number of class members. If the identities of the class members are not known, the parties shall consider publication of notice in print, on the web, at the defendant's place of business, and through social media. (Section G.3.f.)	Notice with the check is to be mailed to Aggrieved Employees via First Class Mail. See Settlement Administrator Declaration, ¶ 6, Exh. C.
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21		
22		
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26	If the settlement requires any of the class members to submit claims:	The Settlement does not require Aggrieved Employees to submit claims.
27	i. The motion shall explain why a claim process is reasonably necessary. If the defendant knows (A) the identity of the class members, (B) their	
28		

addresses or former addresses, and (C) the facts necessary to calculate the recovery of each class member, the Court will require a strong showing of necessity for a claims process. ii. The motion shall explain the anticipated claims rate, and the basis for that prediction. (Section G.3.g.)	
If the settlement provides that any portion of the consideration paid or deposited by the defendant may revert to the defendant, the motion shall explain (i) the circumstances under which that reversion would occur, (ii) the maximum amount of any reversion, and (iii) why that reversion is fair. (Section G.3.h.)	The Settlement does not provide for any reversion to Defendants.
The motion shall be accompanied by a separate proposed order which shall include, as attachments to the order, the proposed notice (Cal. Rules of Court, rule 3.769(e)), proposed exclusion form, proposed objection form, any proposed claim form, and any other form that is proposed to accompany the notice. The Court is likely to modify these proposed forms. Therefore, the Court will not issue an order that merely incorporates by reference the forms attached to the settlement agreement. (Section G.4.a.)	See [Proposed] Order Granting Plaintiff's Motion for an Order Approving Settlement of Claims Brought Pursuant to PAGA, Exh. 1 (Notice of PAGA settlement to Aggrieved Employees)
The settlement agreement shall not be attached to the order. (Section G.4.b.)	Settlement Agreement is attached as Exhibit 1 to Tunyan Declaration.
Counsel shall carefully review both the terms and the terminology of the order and accompanying forms (notice, objection form, exclusion form, and any claim form) to confirm that the various documents are internally consistent, consistent with each other, and consistent with the settlement agreement. (Section G.4.c.)	The Parties have reviewed the papers for consistency.
The order shall state the name of any settlement administrator, and shall describe the nature of the services that the administrator will be required to perform, either directly or by reference to the settlement agreement. (Section G.4.d.)	Proposed Order, ¶ 5.
The notice shall include an estimate of the likely recovery by the individual class member to whom the notice is sent, if known. If it is not known, the notice shall include an estimate of the	Notice of PAGA settlement to Aggrieved Employees, Exh. 1 to Proposed Order

likely recovery by the average class member. If the recovery by different members will vary, the notice shall also include an estimate of the range of possible recoveries. (Section G.5.a.)	
Neither the notice nor the documents enclosed with it shall describe any settlement administrator as the “claims administrator” unless the class members are required to submit claims. (Section G.5.d.)	The settlement administrator is referred to as “Settlement Administrator.”
If the action includes a claim for statutory penalties under PAGA, the notice shall explain what PAGA is and advise aggrieved employees that they may neither object to not opt out of the PAGA settlement. (Section G.5.f.)	Notice of PAGA settlement to Aggrieved Employees, Exh. 1 to Proposed Order
If the action includes a claim for statutory penalties under the Labor Code Private Attorney General Act of 2004 (“PAGA”), the motion shall explain the terms of any settlement of that claim. (Section G.9.a.)	Plaintiff’s Motion for and Order Approving Settlement of Claims brought pursuant to PAGA at 2: 6-28, 3:1-28.
If the settlement provides for the payment of penalties under PAGA, the motion shall be accompanied by a declaration describing how the penalties were calculated and otherwise establishing facts sufficient to allow the Court to review and approve those penalties as required by Labor Code section 2699, subdivision (1). In particular, the declaration shall explain: (i) the nature of the alleged violations; (ii) the number of alleged individual violations, including both the length of the relevant employment period and the number of employees allegedly employed during that period; (iii) the total amount of penalties for which the defendant is potentially liable were those allegations to be proven. (iv) the total amount of penalties for which the defendant would be likely to be found liable at trial; (v) the likelihood that any violations would be proven to have been knowing and intentional; (vi) any facts that tend to suggest that the imposition of the total amount of statutory penalties for which the defendant would be likely to be found liable at trial would be unjust, arbitrary and oppressive, or confiscatory; (vii) how the amount of the agreed-upon penalties was calculated or otherwise arrived at; (viii) any other	Tunyan decl., ¶¶ 22- 27.

1	factors that are material to a determination that	
2	the amount of the agreed-upon penalties is fair	
3	(Section G.9.b.)	
4	All PAGA penalties shall be distributed among	Agreement, ¶ 5.c, Notice of PAGA settlement to
5	all aggrieved employees (Section G.9.c.)	Aggrieved Employees, Exh. 1 to Proposed Order
6	Any release of claims for PAGA penalties: i.	The example release language is uses in the
7	shall bind only the named plaintiff and the state	Settlement Agreement.
8	of California; ii. Shall release only the defendant	See Settlement Agreement, ¶ 2.
9	named in the complaint, together with its	
10	officers, directors, employees and agents; iii.	
11	shall release only those claims described in the	
12	notice sent by plaintiff to the LWDA, and only to	
13	the extent they are alleged in the complaint; iv.	
14	An example of an acceptable release is as	
15	follows: "Plaintiff releases all claims for	
16	statutory penalties that could have been sought	
17	by the Labor Commissioner for the violations	
18	identified in Plaintiff's pre-filing letter to the	
19	LWDA. Plaintiff does not release any aggrieved	
20	employee's claim for wages and damages."	
21	(Section G.9.d.)	

Respectfully submitted,

Dated: October 19, 2023

TUNYAN LAW, APC

By: 
 Lilit Tunyan
 Artur Tunyan

Attorneys for Plaintiff YADIRA GONZALEZ

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3) ss
4 COUNTY OF LOS ANGELES)

5 I am employed in the county of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 1336 Rossmoyne Avenue
Glendale, California 91207. On October 19, 2023, I served the foregoing document described as:

7 On the date indicated below, I served the document described as: **PLAINTIFF'S COMPLIANCE**
8 **CHART IN SUPPORT OF PLAINTIFF'S MOTION FOR AN ORDER APPROVING**
9 **SETTLEMENT OF CLAIMS BROUGHT PURSUANT TO THE PRIVATE ATTORNEY**
GENERAL'S ACT OF 2004 on the interested parties in this action by sending a true copy thereof to
interested parties as follows and as stated on the attached service list:

10 Boris Sorsher
bsorsher@fisherphillips.com
11 Harrison M. Zator
hzator@fisherphillips.com
12 Dorothy Wang
dwang@fisherphillips.com
13 Brianna Huschke
bhuschke@fisherphillips.com
14 **FISHER & PHILLIPS LLP**
2050 Main Street, Suite 1000
15 Irvine, California 92614
Telephone: (949) 851-2424
16 Facsimile: (949) 851-0152

17 Attorneys for Defendants RV RETAILER SAN DIEGO,
18 LLC, RV RETAILER, LLC and BLUE COMPASS RV, LLC

19 [✓] **BY E-MAIL:** I hereby certify that this document was served from Glendale, California,
20 by e-mail delivery on the parties listed herein at their most recent known e-mail address
or e-mail of record in this action.

21 [✓] **BY ELECTRONIC SERVICE:** Based on a court order, Rule of Court, or an agreement of the
22 parties to accept electronic service, I caused the documents to be sent to the persons at the
23 electronic service addresses listed above via electronic mail. I did not receive an error message.

24 I declare under penalty of perjury under the laws of the State of California that the
25 above is true and correct. Executed on October 20, 2023 at Glendale, California.

26
27 Lilit Tunyan
Name



Signature