

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER

MINUTE ORDER

DATE: 02/05/2026

TIME: 02:00:00 PM

DEPT: CX102

JUDICIAL OFFICER PRESIDING: Layne H. Melzer

CLERK: L. Mendez

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: A. Condaras

CASE NO: **30-2023-01320761-CU-OE-CXC** CASE INIT.DATE: 04/21/2023

CASE TITLE: **Gutierrez vs. Groundworks Campaigns, Inc.**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT ID/DOCUMENT ID: 74686928

EVENT TYPE: Status Conference

EVENT ID/DOCUMENT ID: 74677208

EVENT TYPE: Motion for Approval of Class Settlement

MOVING PARTY: Kimberly Gil Gutierrez

CAUSAL DOCUMENT/DATE FILED: Motion - Other for preliminary approval of class action settlement,
10/10/2025

APPEARANCES

No Appearance by all parties

Tentative Ruling posted on the Internet.

The Tentative Ruling was accepted and no appearance was requested.

The Court confirms the tentative ruling, a copy of which is attached hereto and incorporated herein by reference.

The scheduled Status Conference is ordered off calendar based on the pending motion for approval of settlement.

Gutierrez vs. Groundworks Campaigns, Inc.
30-2023-01320761

1. Motion for Approval of Class Settlement
2. Status Conference

Plaintiff Kimberly Gil Gutierrez's Motion for Preliminary Approval of Class Action and PAGA Settlement is **CONTINUED to May 7, 2026 at 2:00 p.m. in Department CX102** in order to give Class Counsel an opportunity to address the issues identified below.

This is a putative wage-and-hour class action and PAGA matter.

On 4/21/2023, Plaintiff Kimberly Gil Gutierrez, individually and on behalf of all others similarly situated, filed a class action complaint against Defendant Groundworks Campaigns, Inc. (ROA #2.) Defendant answered on 8/15/2023. (ROA #20.)

The operative complaint is the first amended complaint, filed on 10/27/2025 pursuant to the stipulation and order, which alleges various Labor Code wage-and-hour violations and unfair business practices, including a claim for PAGA penalties. (ROA #91.)

On 10/10/2025, Plaintiff filed the instant Motion for Preliminary Approval of the Class Action and PAGA Settlement and submitted the Settlement Agreement and Class Notice for the Court's review. The motion seeks preliminary approval of the parties' proposed settlement of Plaintiff's class and PAGA claims for the non-reversionary gross settlement amount (GSA) of \$339,620. The GSA includes \$20,000 allocated for PAGA penalties.

The Court has identified several issues with the Settlement Agreement and moving papers. Accordingly, the following issues must be addressed by Class Counsel before preliminary approval can be granted:

1. There is no indication that the instant motion papers, in addition to the settlement agreement, have been served on the LWDA in compliance with Labor Code section 2699. Plaintiff is ordered to give notice of this ruling to the LWDA; to serve the LWDA with his

- original moving papers as well as any new papers filed for future hearings; and to file a proof of service showing such compliance.
2. Counsel has failed to provide the court with a text-searchable settlement agreement in compliance with CRC 2.256(b)(3).
 3. Counsel must provide estimates for the number of PAGA Aggrieved Employees or for the total number of PAGA pay periods.
 4. The moving papers fail to provide the Class Members' and PAGA Aggrieved Employees' estimated individual recovery under the proposed settlement, including the estimated average, low, and high payments to be paid to Class Members and PAGA Aggrieved Employees. At a minimum, the average payments must be provided for preliminary approval, but if the high and low estimated payments are not available at this time, they must be provided in the motion for final approval.
 5. Because the Settlement Agreement provides for a cy pres distribution, the parties must provide a declaration demonstrating the propriety of the cy pres recipient and distribution under Code of Civil Procedure section 384. The parties should explain why a cy pres distribution fulfills the purposes of the lawsuit or is otherwise appropriate. (See *State of Cal. v. Levi Strauss & Co.* (1986) 41 Cal.3d 460, 472; *In re Microsoft I-V Cases* (2006) 135 Cal.App.4th 706, 722.)
 6. Counsel's valuation analysis of why the settlement is fair, adequate and reasonable in light of the strengths and weaknesses of the claims explains how the maximum potential recovery was calculated and generally describes the risks associated with the litigation. However, counsel has not provide "the actual discount amounts applied to each claim for certification risks and merits risks as well as an analysis of the gross settlement amount as a percentage of . . . the risk-adjusted recovery," as required by this department's Guidelines for Approval of Class Action Settlements & PAGA Settlements at ¶ I.A.13. Although this information was provided for the failure to pay reporting time claims and for the PAGA penalties, this information was not provided for the remaining claims.
 7. Class Members must have the option of submitting requests for exclusion, objections, and workweek disputes by fax and email in addition to by mail.
 8. The deadline for responses to the Class Notice (i.e., opt outs, objections, and workweek disputes) after remailing is too short and should be at least 30 days after remailing.

9. Counsel must attest to whether there are any concurrent pending cases involving similar claims against Defendant that may be impacted by the settlement and how, or confirm that there is none.

Class Counsel must also provide the Court with a revised Class Notice with the following revisions:

1. The notice should be revised so as to be consistent with the resolution of the issues identified above.
2. The chart on pp. 1-2 listing out the Class Members' basic options should include a fourth option for disputing workweeks.
3. The correct department number for this Court should be listed throughout the notice where the final approval hearing is mentioned.
4. The notice states that the GSA includes administration fees up to \$15,000, but that is incorrect because the Settlement Agreement provides for up to \$16,950.
5. The notice states that the GSA includes litigation costs up to \$35,000, but that is incorrect because the Settlement Agreement provides for up to \$30,000.
6. After fixing the two errors above, the Net Settlement Amount must also be updated.
7. The following sentences on p. 4 should be bolded: "If you do not dispute your settlement share calculation and do not opt out of the settlement, you will be bound by the settlement and receive a settlement payment."
8. Rather than having Class Members draft their own opt-out requests, objections, and workweek disputes, the Class Notice should include separate forms for each of these processes.

Class Counsel must also provide a revised [Proposed] Order Granting Preliminary Approval with the following revisions:

1. The proposed order should be revised to incorporate the relevant revisions identified above, including attaching the revised Class Notice.
2. Attorney information must be deleted from the caption page.
3. The exact title of the Settlement Agreement should be used.
4. The proposed order should reference by name and ROA number all the declaration(s) to which the Settlement Agreement and any amendments thereto are attached.

5. The proposed order should also include the definitions for PAGA Aggrieved Employees and the PAGA Period.
6. Counsel should not leave blank but should instead propose a realistic Final Approval hearing date, taking into account the deadlines associated with mailing and remailing the notice and responses thereto and the documentation required to support final approval (including but not limited to time records or a summary of time spent by Class Counsel so as to enable the Court to evaluate the lodestar and attorneys' fee request; detailed litigation cost breakdowns; an Administrator declaration and invoice; and Plaintiff's declaration to support the enhancement request). The Court usually sets these hearings at least 4 months after preliminary approval. All supporting papers must also be filed at least sixteen (16) court days before the Final Approval hearing date.
7. The proposed order should specify the Court's continuing jurisdiction pursuant to both California Code of Civil Procedure section 664.6 and California Rules of Court, rule 3.769(h).

The Court further refers Class Counsel to the "Guidelines for Approval of Class Action Settlements & PAGA Settlements" posted on the Court's website for Department CX102, available at <https://voypubapps.occourts.org/complex-civil-calendar>.

Class Counsel must file supplemental papers addressing the Court's concerns no later than sixteen (16) court days prior to the continued hearing date. Counsel must also provide redlined versions of all revised papers and an explanation of how the pending issues were resolved with precise citation to any revisions. A supplemental declaration or brief that simply asserts the issues have been resolved is insufficient and will result in a further continuance.