

1 MARALLE MESSRELIAN (SBN 316974)

2 maralle@mmlawapc.com

3 MM LAW, APC

4 500 N. Brand Blvd., Ste 2000

5 Glendale, CA 91203

6 Telephone (818) 810-7747

7 Facsimile (818) 230-9018

8 Attorneys for Plaintiff,

9 AMAIRANI GOMEZ

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF ORANGE**

12 **(UNLIMITED JURISDICTION)**

13 AMAIRANI GOMEZ,

14 *Plaintiff,*

15 vs.

16 FOCUS INDUSTRIES, INC., a California
17 corporation; STAN SHIBATA, an
18 individual; and DOES 1 to 25, inclusive,

19 *Defendants.*

Case No.: 30-2023-01336931-CU-OE-CXC

**SUPPLEMENTAL DECLARATION OF
MARALLE MESSRELIAN IN SUPPORT OF
PLAINTIFF'S UNOPPOSED MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

*Assigned for All Purposes to
Hon. David Hoffer, Department CX103*

Action filed: 07/17/2023

Hearing Date: 08/08/2025

Hearing Time: 10:00 a.m.

Hearing Dept: CX103

**SUPPLEMENT DECLARATION OF MARALLE MESSRELIAN IN SUPPORT OF
PLAINTIFF’S UNOPPOSED MOTION FOR APPROVAL OF PAGA SETTLEMENT**

I, MARALLE MESSRELIAN, declare and state as follows:

1. I am an attorney duly licensed to practice before all the Courts of the State of California. I am the managing attorney of MM Law, APC and the attorney of record for Amairani Gomez (individually, “Gomez” or “Plaintiff”) in her lawsuit against Defendants Focus Industries, Inc. and Stan Shibata (collectively, “Defendants” or “FOCUS”).

2. Except as otherwise indicated, I have personal knowledge of all matters set forth herein and, if called as a witness, could and would competently testify thereto under oath.

3. This Supplemental Declaration is submitted in response to the Court’s June 13, 2025 tentative ruling requesting supplemental papers in support of Plaintiff’s Motion to Approval PAGA Settlement. The Parties have addressed the Court’s concerns as follows:

CONCERN IDENTIFIED IN TENTATIVE RULING	LOCATION WHERE COMPLIANCE IS DOCUMENTED
1. The court is inclined to grant approval of an attorneys’ fees request of only 30% of the gross settlement amount, which the court finds fair, adequate and reasonable for the settlement of this size.	Paragraph 4(b) of the AMENDMENT TO PAGA SETTLEMENT AND RELEASE AGREEMENT now states that Plaintiff’s counsel will request attorneys’ fees in the amount of “30% of the Gross Settlement Amount, or Fifteen Thousand Dollars and Zero Cents (\$15,000).” A true and correct copy of the fully executed AMENDMENT TO PAGA SETTLEMENT AND RELEASE AGREEMENT reflecting this change is attached as Exhibit 1 . This is also reflected in the [Proposed] Order

1		and Judgment Approving PAGA Settlement
2		filed herewith.
3	2. The court shall disallow the attorney costs	A true and correct copy of the updated
4	amount claimed for postage for \$8.61 because	summary of attorney costs with the costs of
5	the court considers that cost item to be	\$8.61 for postage removed is attached as
6	properly part of attorney overhead.	Exhibit 2. This is also reflected in the
7		[Proposed] Order and Judgment Approving
8		PAGA Settlement filed herewith.
9	3. This PAGA Released Claims include a	Paragraph 12 of the AMENDMENT TO
10	release of claims for Plaintiff's individual	PAGA SETTLEMENT AND RELEASE
11	Labor Code violations, which were not	AGREEMENT now states:
12	included as part of the claims presented to the	“Upon the Effective Date of this
13	LWDA that would be part of the PAGA	Settlement, Plaintiff, on behalf of the
14	settlement. The PAGA release should be	State of California (including, but not
15	limited to PAGA claims that were asserted in	limited to, the LWDA), and the PAGA
16	the PAGA notice or that could be asserted	Members will be deemed to have
17	based on the facts alleged in the PAGA notice.	fully, finally, and forever released,
18	(See <i>LaCour vs. Marshalls of California, LLC</i>	settled, compromised, relinquished,
19	(2023) 94 Cal. App. 5th 1172, 1192-96.) The	and discharged the Released PAGA
20	court will also not approve any release by the	Claims with respect to Defendant and
21	State or LWDA directly.	its past and present officers, directors,
22		shareholders, unit holders, managers,
23		employees, agents, principals, heirs,
24		representatives, accountants, auditors,
25		consultants, and its respective
26		successors and predecessors in
27		interest, subsidiaries, affiliates,
28		parents and attorneys. The Released
		PAGA claims shall include all known
		or unknown claims for civil penalties,
		attorneys' fees and costs, or any other
		relief under PAGA arising out of the
		Labor Code claims based on any facts,
		claims, or theories set forth in the
		LWDA Notice against Defendants
		dated April 10, 2023, including but not
		limited to: California Labor Code
		Sections §§ 201, 202, 203, 204, 226,
		226.7, 510, 512, 558, 558.1, 1174,

	1194, 1197, 1198, 2802, and IWC Wage Order 1, §§7, 11-12.” A true and correct copy of the fully executed AMENDMENT TO PAGA SETTLEMENT AND RELEASE AGREEMENT reflecting this change is attached as Exhibit 1.
4. The following corrections must be made to the cover letter to the aggrieved employees: • There should be page numbering on the notice. • Page 1 of the notice should state: “You are receiving this notice as a result of a lawsuit brought on a representative basis . . .” not “as a result of lawsuits . . .” The release in the first paragraph on page 1 of the notice should be split into a separate paragraph and amended to be consistent with the amendments to the PAGA release noted above in Paragraph 12 of the settlement agreement.	The proposed cover letter to the aggrieved employees has been corrected. • There is page numbering on the notice • On Page 1 it states “You are receiving this notice as a result of a lawsuit brought on a representative basis...”; • The release in the first paragraph on page 1 of the notice has been split into a separate paragraph and amended to be consistent with the amendments to the PAGA release. A true and correct copy of the fully executed AMENDMENT TO PAGA SETTLEMENT AND RELEASE AGREEMENT reflecting this change is attached as Exhibit 1. A true and correct copy of the revised cover letter to the aggrieved employees (Notice of PAGA Settlement) is attached as Exhibit 3.
5. Plaintiff is ordered to give notice of this ruling to the LWDA and to Defendants.	On June 17, 2025, Plaintiff provided notice of the tentative ruling to the LWDA and to

1 Defendants. A true and correct copy of
2 Plaintiff's submission of the tentative ruling to
3 the LWDA is attached as **Exhibit 4**.
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8 ***Notice of Settlement to the LWDA***

9 4. Pursuant to Lab. Code § 2699(1)(2), Plaintiff submitted a copy of the Amendment to
10 PAGA Settlement and Release Agreement and this supplemental declaration with the LWDA at
11 the same time these supplemental papers are being filed with the Court. True and correct copies
12 of Plaintiff's submission with the LWDA and the confirmation email are collectively attached as
13 **Exhibit 5** to this declaration.

14 I declare under the penalty of perjury of the laws of the State of California that the
15 foregoing is true and correct to the best of my knowledge.

16 Executed July 24, 2025 , at Glendale, California.

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19 MARALLE MESSRELIAN,
20 Declarant
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EXHIBIT 1

AMENDMENT TO PAGA SETTLEMENT AND RELEASE AGREEMENT

Amairani Gomez v. Focus Industries, Inc., et al.
Orange County Superior Court, Case No. 30-2023-01336931-CU-OE-CXC

I. INTRODUCTION

The Parties agree that the below sections shall be struck from the PAGA Settlement Agreement and replaced with alternative language in accordance with the Court's tentative order.

II. AMENDMENTS

- A. Section 4(b): Strike the language of: "up to 33% of the Gross Settlement Amount, or Sixteen Thousand Six Hundred Sixty-six Dollars and Sixty-six Cents (\$16,666.66)" and replace with the language of "30% of the Gross Settlement Amount, or Fifteen Thousand Dollars and Zero Cents (\$15,000)."

- B. Paragraph 12: Strike the entire paragraph and replace with the language of:

"Upon the Effective Date of this Settlement, Plaintiff, on behalf of the State of California (including, but not limited to, the LWDA), and the PAGA Members will be deemed to have fully, finally, and forever released, settled, compromised, relinquished, and discharged the Released PAGA Claims with respect to Defendant and its past and present officers, directors, shareholders, unit holders, managers, employees, agents, principals, heirs, representatives, accountants, auditors, consultants, and its respective successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys. The Released PAGA claims shall include all known or unknown claims for civil penalties, attorneys' fees and costs, or any other relief under PAGA arising out of the Labor Code claims based on any facts, claims, or theories set forth in the LWDA Notice against Defendants dated April 10, 2023, including but not limited to: California Labor Code Sections §§ 201, 202, 203, 204, 226, 226.7, 510, 512, 558, 558.1, 1174, 1194, 1197, 1198, 2802, and IWC Wage Order 1, §§7, 11-12."

- C. The cover letter to the aggrieved employees, attached as Exhibit A to this Amendment, is corrected as follows:
1. Page numbering has been added on the notice.
 2. On Page 1 of the notice, strike the language of "as a result of lawsuits" and replace with the language of "as a result of a lawsuit".
 3. The release in the first paragraph on page 1 of the notice has been split into a separate paragraph and amended to be consistent with the amendments to the PAGA release noted above in Paragraph 12 of the settlement agreement.

III. EXECUTION BY PARTIES

The Parties hereby execute the Amendment to the PAGA Settlement Agreement.

07/20/2025

DATE

Amairani Gomez

Amairani Gomez (Jul 20, 2025 21:17 PDT)

AMAIRANI GOMEZ, Plaintiff

7/23/2025

DATE

Signed by:

Cherie Luna

FOCUS INDUSTRIES INC.
BY Cherie Luna, Controller

7-23-25

DATE

DocuSigned by:

Stan Shibata

STAN SHIBATA

APPROVED AS TO FORM

MM LAW APC

07/20/2025

DATE

Maralle Messrelian

Maralle Messrelian for Plaintiff Amairani Gomez

GORDON REES SCULLY MANSUKHANI,
LLP

07/23/2025

DATE

Matthew Theriault

Matthew Theriault for Defendants

EXHIBIT A

NOTICE OF PAGA SETTLEMENT

Amairani Gomez v. Focus Industries, Inc., et al.

Orange County Superior Court, Case No. 30-2023-01336931-CU-OE-CXC

<<Settlement Administrator >>

[]

[]

Telephone: []

«Barcode» «BarcodeString»

SIMID «SIMID»

«FirstName»

«LastName»

«Address1» «Address2»

«City» «State» «Zip»

You are receiving this notice as a result of a lawsuit brought on a representative basis under the Private Attorneys General Act, Labor Code § 2698 et seq. (“PAGA”) (“the Action”). The plaintiff in the Action is Amairani Gomez (“Plaintiff”) and the defendants are Focus Industries, Inc. and Stan Shibata (“Defendants”). The Action seek civil penalties for purported violations of the California Labor Code on behalf of all persons within the State of California who are or were employed by Defendants in the State of California and classified as non-exempt during the PAGA Period of April 10, 2022 through June 20, 2024 (the “PAGA Members”). Defendants deny all claims and allegations in the Action, deny that they owe any penalties, and assert that they have fully complied with all applicable Labor Code provisions. Nevertheless, to avoid further costs and time in defending the Action, Defendants have settled the case and the Court has approved the settlement and release of claims. By settling the Action, Defendants are not admitting that they have done anything wrong as of and subject to the occurrence of the Effective Date of the Settlement.

Upon the Effective Date of this Settlement, Plaintiff, on behalf of the State of California (including, but not limited to, the LWDA), and the PAGA Members will be deemed to have fully, finally, and forever released, settled, compromised, relinquished, and discharged the Released PAGA Claims with respect to Defendant and its past and present officers, directors, shareholders, unit holders, managers, employees, agents, principals, heirs, representatives, accountants, auditors, consultants, and its respective successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys. The Released PAGA claims shall include all known or unknown claims for civil penalties, attorneys’ fees and costs, or any other relief under PAGA arising out of the Labor Code claims based on any facts, claims, or theories set forth in the LWDA Notice against Defendants dated April 10, 2023, including but not limited to: California Labor Code Sections §§ 201, 202, 203, 204, 226, 226.7, 510, 512, 558, 558.1, 1174, 1194, 1197, 1198, 2802, and IWC Wage Order 1, §§7, 11-12.

No claims for any unpaid or underpaid wages have been settled by this settlement, and this settlement is without prejudice to any pursuit of such claim.

By Order dated <<court approval order date>>, the Superior Court of the State of California, Orange County approved the Settlement of the PAGA claims.

According to the Defendants' records, you are a PAGA Member and therefore entitled to a share of the settlement based upon the Court approved allocation. Enclosed with this Notice is your check for your share. The settlement check shall remain valid for 180 days. Thereafter, all uncashed checks shall be distributed to California State Controller's Office Unclaimed Property Fund with an identification of the amount of unclaimed funds attributable to each PAGA Member.

Please Note: One hundred percent (100%) of your individual PAGA payment under this Settlement will be considered penalties and may be subject to local, state, or federal tax withholdings and will be reported to the IRS and state tax authorities. You should rely on your own tax advisors as to the tax consequences of your individual PAGA payment. Neither Plaintiff nor Defendants have made any representations or warranties regarding the taxation of your individual PAGA payment. Nothing within this notice or any other communication shall constitute or be construed or relied upon as tax advice within the meaning of United States Treasury Department Circular 230 (31 C.F.R. Part 10, as amended). Enclosed are the appropriate tax forms pertaining to your payment.

Do not call or write the Court or Office of the Clerk to ask questions about the settlement or to ask questions about the claims process. If you have any questions, you may call or write to [REDACTED] (the Settlement Administrator) using the contact information at the top of this correspondence.

EXHIBIT 2

Amairani Gomez v. Focus Industries, et al.
Superior Court of California, County of Orange
Case No. 30-2023-01336931-CU-OE-CXC

MM Law, APC: Costs and Expenses (PAGA)	Total
LWDA Notice Filing Fee	\$ 75.00
Complaint filing - Additional fee for case designated as complex (PAGA)	\$ 1,000.00
Court filing costs (31% of total costs of \$315.00 based on pro rata calculation)	\$ 44.87
Attorney Service Fees(31% of total costs of \$144.73 based on pro rata calculation)	\$ 97.65
Mediation(31% of total cost of \$9,000 based on pro rata calculation)	\$ 2,790.00
Data Analyst for Mediation	\$ 1,350.00
Current Costs through 7/24/2025	\$ 5,357.52

EXHIBIT 3

NOTICE OF PAGA SETTLEMENT

Amairani Gomez v. Focus Industries, Inc., et al.

Orange County Superior Court, Case No. 30-2023-01336931-CU-OE-CXC

<<Settlement Administrator >>

[]

[]

Telephone: []

«Barcode» «BarcodeString»

SIMID «SIMID»

«FirstName»

«LastName»

«Address1» «Address2»

«City» «State» «Zip»

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EXHIBIT 4



Maralle Messrelian <maralle@mmlawapc.com>

Thank you for your Other Response or Document Submission

1 message

DIR PAGA Unit <no-reply@formassembly.com>

Tue, Jun 17, 2025 at 12:09 PM

To: maralle@mmlawapc.com

06/17/2025 12:08:54 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Other Response or Document Submission

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm



State of California
Labor and Workforce Development Agency /
Department of Industrial Relations

Private Attorneys General Act (PAGA) – Filing

Other Document

PAGA Number (LWDA-CM-): *

Please enter only the numbers after "LWDA-CM-" in the following format, "XXXXXXXXXX-XX".

[Search for PAGA Case number](#)

Your Information (Person Who is Filing)

Your First Name *

Your Last Name *

Your Email Address *

Your Street Name, Number and Suite/Apt *

Your Mobile Phone Number

Your City *

Your Work Phone Number

Your State *

Your Zip/Postal Code *

Documents

Other Document *

6.13.2025 Go...ute Order.pdf

Other Attachment (if any)

No file chosen

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact PAGAInfo@dir.ca.gov

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers,

personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

☒ **I understand that, if I file, I must comply with the redaction rules consistent with this notice.**

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EXHIBIT 5