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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CHRISTOPHER ALCENDOR, individually,
and on behalf of other members of the general
public similarly situated;

Plaintiff,

v.

ALPHA EXPRESS LLC, a California limited
liability company; and DOES 1 through 100,
inclusive;

Defendants.

Case No.: 22STCV19286

Assigned for All Purposes to:
Honorable Elaine Lu
Department 9

CLASS ACTION

**SUPPLEMENTAL BRIEF IN SUPPORT
OF PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

[Supplemental Declaration of Proposed
Class Counsel (Douglas Han); and Amended
[Proposed] Order filed concurrently
herewith]

Non-Appearence Case Review:

Hearing Date: August 6, 2024

Hearing Time: 8:30 a.m.

Hearing Place: Department 9

Complaint Filed: June 13, 2022

FAC Filed: July 6, 2023

Trial Date: None Set

Plaintiff Christopher Alcendor (“Plaintiff”) provide this supplemental submission in response to the Court’s tentative ruling that was issued on June 14, 2024. The tentative ruling conditionally granted the Motion for Preliminary Approval contingent on the Parties’ counsel addressing two (2) issues set forth in the tentative ruling. The tentative ruling set a non-appearance case review for August 6, 2023 at 8:30 a.m.

The chart below lists each of the Court’s issues and the revisions/submissions made to address each issue.

Ruling	Revisions/Submissions
(1) Counsel must provide further information as to the summary of the investigation and discovery conducted, including the specific documents reviewed prior to agreeing to settle the case. (<i>Dunk v. Ford Motor Co.</i> (1996) 48 Cal.App.4th 1794, 1802, as modified Sept. 30, 1996 (<i>Dunk</i>).) If counsel’s analysis was informed by a data sample, Counsel must show that the sample is statistically reliable. Mr. Han’s Declaration at paragraphs 15 and 16 does not provide sufficient detail as to the discovery conducted and information reviewed.	(Supplemental Declaration of Douglas Han in Support of Motion for Preliminary Approval of Class Action Settlement (“Supp. Han Decl.”), ¶¶ 3-5.)
(2) Counsel must resolve the escalator and potential shortening of the Class Period by Defendant before the Court will grant preliminary approval. (Settlement Agreement, ¶¶ A.12, A.32, and H.) The parties must	(Supp. Han Decl., <i>supra</i> , at ¶ 6.)

determine the Class (§A.12) and PAGA Periods (§A.32) with certainty before the Court will grant approval. The parties must file supplemental papers indicating whether the escalator has been triggered based on the number of work weeks, and if so, whether Defendant has opted for (1) the Gross Settlement Amount to increase proportionally over the ten percent (10%) increase (i.e., to increase the Gross Settlement Amount by 1% if the number of Workweeks increases by 11%); or (2) for the Class Period to end as of the date the Workweeks within the Class Period reach 12,362 Workweeks. (§H.) The notice to class members must also be amended to give proper notice, consistent with Defendant's election.

Dated: July 29, 2024

JUSTICE LAW CORPORATION

By: 
Douglas Han
Attorney for Plaintiff

**PROOF OF SERVICE
1013A(3) CCP**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 751 N. Fair Oaks Ave., Ste. 101 Pasadena, California 91103. My electronic service address is award@justicelawcorp.com

On July 29, 2024, I served the foregoing document described as

**SUPPLEMENTAL BRIEF IN SUPPORT OF PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

for the following case: **Alcendor v. Alpha Express LLC**
LWDA/Court Case No.: **LWDA Case No.: CM-958190-23**
Court Case No.: 22STCV19286
Los Angeles County Superior Court

on interested parties in this action by electronically submitting as follows:

State of California
Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

[X] BY ELECTRONIC SUBMISSION

Pursuant to California Senate Bill No. 836, I caused the documents described above to be electronically submitted by and through the procedure stated on the website of the State of California Labor and Workforce Development Agency.

[X] STATE

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

Executed on July 29, 2024, at Pasadena, California.



Alex Ward