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

OSVALDO VARGAS, individually, and on behalf
of all others similarly situated,

Plaintiff,

vs.

BLUE LINE FOODSERVICE DISTRIBUTION,
INC., a Michigan corporation; and DOES 1
through 10, inclusive,

Defendants.

Case No.: 30-2023-01328202-CU-OE-CXC

CLASS AND REPRESENTATIVE ACTION

Assigned to the Honorable Layne H. Melzer,
Department CX-102

**SUPPLEMENTAL DECLARATION OF
KANE MOON IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

*[Filed with [Amended Proposed] Preliminary
Approval Order]*

PRELIMINARY APPROVAL HEARING:

Date: April 10, 2025

Time: 2:00 p.m.

Dept.: CX-102

Action Filed: May 24, 2023

FAC: October 26, 2023

Trial Date: None Set

1 **SUPPLEMENTAL DECLARATION OF KANE MOON**

2 I, KANE MOON, declare as follows:

3 1. I am an attorney at law duly licensed to practice as such before all Courts of the State
4 of California and am one of the attorneys of record for Plaintiff Osvaldo Vargas (“Plaintiff”) and
5 the putative Class. I have personal knowledge of the matters set forth herein and could competently
6 testify to the facts described herein.

7 2. On November 15, 2024 the Superior Court of California, County of Orange, Department
8 CX103, issued a Minute Order for Plaintiff’s Motion for Preliminary Approval of Class Action
9 and PAGA Settlement. The Minute Order continued the hearing on Plaintiff’s Motion for
10 Preliminary Approval of Class Action and PAGA Settlement to April 10, 2025, so that the Parties
11 can remedy the noted issues.

12 3. The instant Declaration addresses the issues identified in the Minute Order. The left
13 column provides a verbatim duplication of the issue identified in the order, and the right column
14 provides supplemental briefing on the issue.

15 4. A true and correct copy of the First Amended Joint Stipulation of Class Action and
16 PAGA Representative Action Settlement Agreement and Release of Claims (“Settlement”), with
17 the final Class Notice attached as Exhibit A, is attached to the instant Declaration as **Exhibit 1**.¹ A
18 true and correct copy of the redlined Settlement showing changes from the version submitted on
19 September 30, 2024 is attached to the instant Declaration as **Exhibit 2**. A true and correct copy of
20 the redlined Class Notice showing changes from the version submitted on September 30, 2024 is
21 attached to the instant Declaration as **Exhibit 3**. The Settlement and this declaration were submitted
22 as a set to the Labor and Workforce Development Agency. A true and correct copy of the
23 submission confirmation email is attached to the instant Declaration as **Exhibit 4**. A true and
24 correct copy of the redlined Proposed Order showing changes from the version submitted on
25 September 30, 2024 is attached to the instant Declaration as **Exhibit 5**. The Amended Proposed
26 Order is being filed concurrently with the instant Declaration.

27
28 ¹ Prior to the April 10, 2025, Preliminary Approval Hearing, Plaintiff’s Counsel will
supplement this briefing with a fully executed Settlement.

ISSUES	RESPONSE
<i>The Settlement:</i> [1] End date tied to preliminary approval renders Class and PAGA Periods, as well as the entire Settlement, uncertain.	The Class and PAGA Periods now end on January 29, 2025. (See Settlement, ¶¶ 3, 22.)
[2] Option in Escalator Clause for Defendant's shortening of Class Period is problematic because it renders the Class Period uncertain. It also increases probability the Court will not find the Settlement to be fair because option could eliminate eligible employees from the Class.	The Escalator Clause is removed from the Settlement. (See Exh. 2. The redlined Settlement shows that paragraph 50(c) Escalator Clause has been removed.)
[3] For opt out requests, objections, and disputes, Court prefers a 45-day deadline for submission after the remailing of the Class Notice.	The Response Deadline for opt out requests, objections, and disputes is extended by 45 days after remailing. (Settlement, ¶ 32.)
<i>Class Notice:</i> [4] Class Notice must be revised consistent with the issues identified above.	The Class Notice is revised consistent with the issues identified with the Settlement as the end date of the Class and PAGA Periods now refer to January 29, 2025.
[5] Relevant date must be updated to "2025", as necessary.	All relevant dates have been updated to "2025" throughout the Class Notice.
[6] Section VIII should state that Class Members can also get additional information on settlement administrator's website.	Section VIII now states that Class Members can visit the Settlement Administrator's website for additional information.

<i>Proposed Order:</i> [7] Proposed Order must be revised consistent with the issues identified above.	The Proposed Order is revised consistent with the issues identified with the Settlement and Class Notice, as the end date of the Class and PAGA Periods refer to January 29, 2025.
[8] Date of preliminary approval hearing on title page needs to be updated.	The date, time, and location of the preliminary approval hearing on the title page is updated to April 10, 2025, at 2:00 p.m. in department CX-102.
[9] Settlement Agreement must be identified by the ROA number of the declaration to which it is attached.	The Settlement Agreement is identified by ROA 92, the number by which this instant declaration is identified. (Proposed Order, ¶ 1.)
[10] In Paragraph 2, line 17, “Foodservice” needs to be capitalized.	“Foodservice” is capitalized (<i>Id.</i> at ¶ 2, line 18.)
[11] In Paragraph 16, date of Final Approval hearing needs to be updated.	The parties propose September 23, 2025 as the Final Approval hearing. Paragraph 16 is updated with September 23, 2025 as the Final Approval hearing date. (<i>Id.</i> at ¶ 16.)
[12] Paragraph should be added with date, time, and location of Final Approval hearing.	Paragraph 17 now provides the date, time, and location of the Final Approval hearing. (<i>Id.</i> at ¶ 17.)
[13] Paragraph should be added regarding Court’s continuing jurisdiction.	Paragraph 19 now states that the Court retains continuing jurisdiction. (<i>Id.</i> at ¶ 19.)
<i>Other Issues:</i> [14] Counsel must attest as to whether there is	Plaintiff’s Counsel confirms there is no fee-

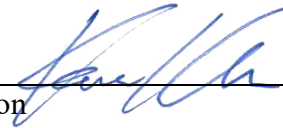
1 a fee-splitting arrangement with any other
2 counsel, or confirm there is none.

splitting arrangement with any other counsel.

3 I declare under penalty of perjury, under the laws of the State of California and the
4 United States, that the foregoing is true and correct.

5
6 Executed on March 15, 2025, at Los Angeles, California.

7
8
9 Kane Moon



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 725 South Figueroa Street, 31st Floor, Los Angeles, California 90017. On March 11, 2025, I served the foregoing document described as:

**SUPPLEMENTAL DECLARATION OF KANE MOON IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

X by placing ____ the original X a true copy thereof enclosed in sealed envelope(s) addressed as follows:

ATTORNEYS FOR DEFENDANT, BLUE LINE FOODSERVICE DISTRIBUTION, INC.

[✓] **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service **CASEANYWHERE.**

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

Executed this March 11, 2025 at Los Angeles, California.

Ximena Reyes
Type or Print Name

/s/ Ximena Reyes
Signature