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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

SAYEDHASIB SADAT, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

ISLAND AUTO TOWING, INC. f/k/a
ISLAND AUTO REPAIR, INC., a California
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No. 23CV036438

*[Assigned for all purposes to Hon. Michael
Markman, Dept. 239]*

**PLAINTIFF'S SUPPLEMENTAL BRIEF
IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: January 21, 2025
Time: 10:00 a.m.
Dept.: 23

Complaint Filed: June 20, 2023
Trial Date: None set

Plaintiff Sayedhasib Sadat (“Plaintiff”) submits this supplemental brief in response to the Court’s December 12, 2024 Order to continue Plaintiff’s Motion for Preliminary Approval of Class Action Settlement in which the Court listed a number of issues for the Parties to address. Plaintiff and Defendant Island Auto Towing, Inc. f/k/a Island Auto Repair, Inc. (“Defendant”) (collectively, the “Parties”) have met and conferred and have amended the Settlement Agreement and Class Notice and otherwise addressed the Court’s concerns, as addressed below.

Issue I: The PAGA Release Must Be Revised

The Court’s December 12, 2024 Order requires that the PAGA Release be revised. Specifically, the Court’s Order stated that the PAGA claims are not to be released by anyone other than the LWDA, through its authorized agent, i.e., the named Plaintiff. Furthermore, the Court required that the scope of the LWDA’s release must be limited to the scope of the June 15, 2023 notification letter submitted to the LWDA.

In accordance with the Court’s Order, the Parties have amended the Settlement Agreement to adhere to the Court’s Order. See Supplemental Declaration of Neil M. Larsen (Supp. Larsen Decl.), ¶¶ 1, 4; Exhibits 1 & 3 [Amended Settlement Agreement], paragraph 4; *see also* Exhibits 2 & 4 [Class Notice], page 5.

Issue II: The Parties Must Designate A Non-Profit Organization As The Cy Pres Recipient of Unclaimed Settlement Funds

The Court’s December 12, 2024 Order requires that the Parties designate a non-profit organization or foundation that supports “projects that will benefit the class or similarly situated persons,” or that promotes “the law consistent with the objectives and purpose of the underlying cause of action, to child advocacy programs, or to non-profit organizations providing civil legal services to the indigent” as the recipient of unclaimed funds.

In accordance with the Court’s Order, the Parties have amended the Settlement Agreement to designate Bay Are Legal Aid as the *cy pres* recipient of any unclaimed settlement funds. See Supp. Larsen Decl., ¶¶ 1, 4; Exhibits 1 & 3 [Amended Settlement Agreement], paragraph 9(F); *see also* Exhibits 2 & 4 [Class Notice], page 5.

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Issue III: The Court Does Notice Require A Notice Of Intent To Appear From Class Members & Will Consider Oral Objections At The Hearing

The Court's December 12, 2024 Order stated that the Court does not require a notice of intent to appear from class members and will consider any oral objections made at the hearing. The Court's Order required the Parties to revise the Class Notice to clarify this point. In accordance with the Court's Order, the Parties revised the Class Notice to explain that the Court does not require Class Members to file a notice of intent to appear and that the Court will consider any oral objections made at the hearing. *See* Supp. Larsen Decl., Exhibits 2 & 4 [Class Notice], page 6. The Parties also revised the Settlement Agreement to remove language requiring the filing of notice of appearance. *Id.*, Exhibits 1 & 3 [Amended Settlement Agreement], paragraph 14(D).

Issue IV: Revise The Class Notice To Note Department 23's Location In The Administration Building

The Court's December 12, 2024 Order required that the Parties revise the Class Notice to note that Department 23 is located at the Court's Administration Building at 1221 Oak Street, Oakland, California 94612.

In accordance with the Court's Order, the Parties have revised the Class Notice to note that Department 23 is located at the Court's Administration Building at 1221 Oak Street, Oakland, California 94612. *See* Supp. Larsen Decl., Exhibits 2 & 4 [Class Notice], page 6.

Issue V: Revise Language In The Class Notice Under The Heading "How Can I Get Additional Information"

The Court's December 12, 2024 Order required that the Parties revise the Class Notice to include the following language:

The pleadings and other records in this litigation may be examined online on the Alameda County Superior Court's website, known as "eCourt Public Portal," at <https://eportal.alameda.courts.ca.gov>. After arriving at the website, click the "Search" tab at the top of the page, then select the Document Downloads link, enter the case number and .click "Submit." Images of every document filed in the case may be viewed at a minimal charge. You may also view images of every document filed in the case free of charge by using one of the computer terminal kiosks available at each court location that has a facility for civil filings.

In accordance with the Court's Order, the Parties have revised the Class Notice to adhere to the Court's requirement to include the above specific language under the heading "How Can I Get Additional Information". *See* Supp. Larsen Decl., Exhibits 2 & 4 [Class Notice], pages 6-7.

1 **CONCLUSION**

2 Based on the above, Plaintiff respectfully submits that the Parties have addressed the
3 Court's concerns, and respectfully requests that the Court grant Preliminary Approval of Class
4 Action Settlement.

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6 DATED: January 13, 2025

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8 By: Neil Larsen
9 Neil M. Larsen
10 Attorneys for Plaintiff
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