

TENTATIVE RULINGS

DEPT CX102

Judge Layne H. Melzer

Court Reporters: Official court reporters (i.e., court reporters employed by the Court) are **NOT** typically provided for law and motion matters in this department. If a party desires a record of a law and motion proceeding, it will be the party's responsibility to provide a court reporter. Parties must comply with the court's policy on the use of privately retained court reporters which can be found on the court's website at [Court Reporter Services | Superior Court of California | County of Orange](#).

Tentative rulings: The court endeavors to post tentative rulings on the court's website in the morning, prior to the afternoon hearing. However, ongoing proceedings such as jury trials may prevent posting by that time. Tentative rulings may not be posted in every case. Please do not call the department for tentative rulings if tentative rulings have not been posted. The court will not entertain a request to continue a hearing or the filing of further documents once a tentative ruling has been posted.

Submitting on tentative rulings: If all counsel intend to submit on the tentative ruling and do not desire oral argument, please advise the Courtroom Clerk or Courtroom Attendant by calling (657) 622-5302. Please do not call the department unless all parties submit on the tentative ruling. If all sides submit on the tentative ruling and so advise the court, the tentative ruling shall become the court's final ruling and the prevailing party shall give notice of the ruling and prepare an order for the court's signature if appropriate under Cal. R. Ct. 3.1312.

Non-appearances: If nobody appears for the hearing and the court has not been notified that all parties submit on the tentative ruling, the court shall determine whether the matter is taken off calendar or the tentative ruling becomes the final ruling. The Court also might make a different order at the hearing. (*Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442, fn. 1.)

APPEARANCES: Department CX102 conducts non-evidentiary proceedings, such as law and motion, remotely, by Zoom videoconference pursuant to CCP §367.75, California Rule of Court (CRC) 3.672 and Orange County Local Rule (OCLR) 375. All counsel and self-represented parties appearing for such hearings must check-in online through the Court's civil video appearance website at [Civil Remote Hearings | Superior Court of California | County of Orange](#) prior to the commencement of their hearing. Once the online check-in is completed, participants will be prompted to join the courtroom's Zoom hearing session. Participants will initially be directed to a virtual waiting room pending the start of their specific video hearing. Check-in instructions and instructional video are available on the website. The Court's "Appearance Procedures and Information--Civil Unlimited and Complex" ("Appearance Procedures") and "Guidelines for Remote Appearances" ("Guidelines") contained on the Court's website will be strictly enforced. Parties preferring to appear in-person for law and motion hearings may do so pursuant to CCP §367.75 and OCLR 375.

PUBLIC ACCESS: The courtroom remains open for all evidentiary and non-evidentiary proceedings.

No filming, broadcasting, photography, or electronic recording is permitted of the video session pursuant to California Rules of Court, rule 1.150 and Orange County Superior Court rule 180.

114	Arias vs. Contactability.com LLC 2023-01352000	Motion for Approval of PAGA Settlement The court has reviewed and considered the papers filed in support of plaintiff's motion for approval of a \$175,000 PAGA settlement. The court has the following questions and comments: <u>As to the Settlement:</u> 1. Provide proof all moving papers were served on the LWDA. 2. The parties should provide the high and low individual PAGA awards. 3. Are there any fee-splitting or referral fee arrangements applicable to this matter? If so, they must be disclosed in the notice and order and judgment. 4. Plaintiff's individual settlement must be provided for the court's review. 5. Invoices supporting the requested costs for mediation and the expert fee must be submitted. <u>As to the Notice:</u> 1. Does the notice need to be prepared in languages other than English? 2. Include the GSA and proposed disbursements.

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| | <ol style="list-style-type: none">3. Explain how PAGA allocates specific percentages to the LWDA and aggrieved employees.4. Explain how the individual payment shares are calculated.5. Make express that no individual claims are released.6. Include instructions for electronic access to case materials. |
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As to the Proposed Order:

1. Attorney, hearing, and document filing information should be removed from caption page.
2. The notice (and any translations) should be identified and attached as an exhibit. ¶ 1.
3. Remove "and the State of California" from the first sentence of paragraph 5.
4. Replace "will be forever barred from pursuing any and all of" with "will release" from the second sentence of paragraph 5.
5. Propose a realistic date (Thursday at 2:00 p.m.) for a final accounting hearing. ¶ 13. A report is due 16 court days prior to the hearing. Id.

The hearing on plaintiff's motion for approval is **continued to March 26, 2026, at 2:00 p.m. in Department CX102** to permit the parties to address and respond to the above issues. A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. If required, an amendment to the settlement agreement shall be submitted, rather than an "amended settlement agreement," to streamline the court's review of the documents. The parties shall provide redlined

copies of any revised documents (e.g., revised settlement agreement, revised notice, revised proposed order).

Clerk to give notice to plaintiff.

Plaintiff is ordered to give notice, including to the LWDA, and to file a proof of service. Plaintiff must also serve the LWDA with any supplemental brief and any amended settlement documents, and file a proof of service.