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Attorneys for Plaintiff

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

SUMMER HUBER, individually, and on behalf
of other members of the general public similarly
situated;

Plaintiff,

v.

EVOLVE DENTAL TECHNOLOGIES, INC.,
a California corporation; and DOES 1 through
100, inclusive;

Defendants.

Case No.: 30-2023-01354711-CU-OE-CXC

Assigned for All Purposes to:
Honorable Randall J. Sherman
Department CX-105

CLASS ACTION

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

[Reservation ID: 74337113]

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

Hearing Date: March 14, 2025
Hearing Time: 10:00 a.m.
Hearing Place: Department CX-105

Complaint Filed: October 9, 2023
FAC Filed: February 6, 2024
SAC Filed: May 21, 2024
Trial Date: None Set

Plaintiff Summer Huber (“Plaintiff”) provide this supplemental submission in response to the Court’s tentative ruling on the Motion for Preliminary Approval of Class Action Settlement originally scheduled for hearing on November 8, 2024. On November 6, 2024, the Court issued a tentative ruling ordering Plaintiff and Defendant Evolve Dental Technologies, Inc. (“Defendant”) to make changes to the settlement documents that were submitted alongside the Motion for Preliminary Approval of Class Action Settlement.

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

Ruling	Revisions/Submissions
(1) Updating the Class Period and PAGA Period.	The Settlement Agreement has been amended accordingly. (Supplemental Declaration of Douglas Han in Support of Motion for Preliminary Approval of Class Action Settlement (“Supp. Han Decl.”), ¶ 4; Exhibit 3, <i>supra</i>, at ¶¶ 1-4.) The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 5; Exhibit 4, <i>supra</i>, at p. 1, §§ 1, 3, 11.) The Exclusion Form has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 6; Exhibit 5,

1		<i>supra</i> , at p. 1.)
2	(2) The allocation of only 20% of the class	The Settlement Agreement has been amended
3	action portion of the settlement payments for	accordingly.
4	wages appears to be low. The estimated	
5	exposure analysis in the motion allocates more	(Supp. Han Decl., <i>supra</i> , at ¶ 7; Exhibit 3,
6	than 60% of the class members' potential	<i>supra</i> , at ¶ 5.)
7	(non-PAGA) recovery to wages. Either an	
8	increase to 33 1/3% or an adequate	The Class Notice has been modified
9	explanation of why the figure is not at least 33	accordingly.
10	1/3% is required.	
11		(Supp. Han Decl., <i>supra</i> , at ¶ 8; Exhibit 4,
12		<i>supra</i> , at § 10.)
13	(3) The Class Period is defined as October 9,	(Supp. Han Decl., <i>supra</i> , at ¶ 9.)
14	2019 through August 6, 2024. However, the	
15	escalator clause in ¶22 of the settlement	
16	agreement provides for defendant's option to	
17	either increase the settlement amount or	
18	change the Class Period such that some of the	
19	class members receiving the class notice	
20	might no longer be included in the settlement.	
21	This court, however, will not give final	
22	approval to a settlement that results in class	
23	members being told they are in the class but	
24	later being told they are not in the class. Thus,	
25	defendant will have to either rely on or take	
26	another look at its workweek estimate as of	
27	August 6, 2024, or select the increased	

1 payment option. If the parties want to preserve
2 the option calling for a reduction of the class
3 period, rather than just an increase in the
4 settlement amount, they must determine if the
5 escalator clause applies before sending out the
6 class notice, and have the class notice include
7 the adjusted end date, and not be sent to non-
8 participants.

9 (4) In the Request for Exclusion Form, change
10 the addressee from “EVOLVE DENTAL
11 TECHNOLOGIES, INC. C/O ...” to
12 “HUBER V. EVOLVE DENTAL
13 TECHNOLOGIES, INC. C/O ...”.

The Class Notice has been modified
accordingly.

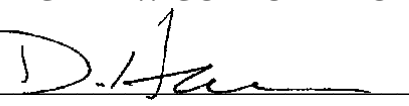
(Supp. Han Decl., *supra*, at ¶ 10; Exhibit 4,
supra, at § 7.)

The Exclusion Form has been modified
accordingly.

(Supp. Han Decl., *supra*, at ¶ 11; Exhibit 5,
supra, at p. 1.)

20 Dated: December 3, 2024

JUSTICE LAW CORPORATION

21 By: 
22

Douglas Han

Attorneys for Plaintiff

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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 Avenue, Suite 101, Pasadena, California 91103 and my electronic service address is manderson@justicelawcorp.com.

On December 3, 2024, I served the foregoing document described as

SUPPLEMENTAL BRIEF IN SUPPORT OF PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

for the following case: **Huber v. Evolve Dental Technologies, Inc.**
LWDA/Court Case No.: **LWDA Case No.: CM- 986612-23**
 Court Case No.: 30-2023-01354711-CU-OE-CXC
 Orange 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 December 3, 2024, at Pasadena, California.



Mariah Anderson