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

FERNANDO QUEZADA, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

PDQ ENTERPRISES, INC. dba PDQ
RENTALS, a California corporation; and DOES
1 through 100, inclusive,

Defendants.

Case No. 23STCV24330

*[Assigned for all purposes to the Hon. Stuart M. Rice,
Dept. SSC-1]*

**PLAINTIFF'S SUPPLEMENTAL BRIEF IN
SUPPORT OF MOTION FOR SETTLEMENT
APPROVAL OF CLAIMS BROUGHT UNDER
THE PRIVATE ATTORNEYS GENERAL ACT
AND REASONABLE ATTORNEYS' FEES,
COSTS, AND ENHANCEMENT AWARD**

Date: June 9, 2025
Time: 10:30 a.m.
Dept.: SSC-1

Complaint Filed: October 5, 2023
Trial Date: None Set

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 Plaintiff Fernando Quezada (“Plaintiff”), individually and on all other aggrieved employees,
3 hereby submit this Supplemental Brief in Support of Plaintiff’s Motion for Approval of Claims Brought
4 under the PAGA and Reasonable Attorneys’ Fees, Costs, and Enhancement Award (the “Motion”).

5 **I. PROCEDURAL HISTORY**

6 Plaintiff filed his Motion on February 27, 2025, setting it for hearing on May 12, 2025.

7 On May 9, 2025, the Court issued its tentative ruling detailing the issues that need to be
8 addressed in subsequent briefing. The Parties appeared at the May 12, 2025 hearing and discussed with
9 the Court the issues to be addressed. Consistent therewith, Plaintiff hereby submits the instant
10 supplemental brief (and accompanying declaration) to address the issues identified by the Court.

11 In connection with addressing the issues identified by the Court, the Parties have executed an
12 Amended PAGA Settlement Agreement and have modified the Notice of PAGA Settlement and
13 Release of Claims. The following documents are being submitted concurrently herewith as Exhibits to
14 the Supplemental Declaration of Scott M. Lidman (“Supp. Lidman Decl.”), as follows:

15 Attached as **Exhibit A** to the Supp. Lidman Decl. is the Amended PAGA Settlement
16 Agreement, with exhibit and fully executed.

17 Attached as **Exhibit B** to the Supp. Lidman Decl. is the redlined version of the Amended PAGA
18 Settlement Agreement.

19 Attached as **Exhibit C** to the Supp. Lidman Decl. is the redlined version of the revised Notice
20 of PAGA Settlement and Release of Claims.

21 Attached as **Exhibit D** to the Supp. Lidman Decl. is final version of the revised Notice of PAGA
22 Settlement and Release of Claims with the changes accepted.

23 Attached as **Exhibit E** to the Supp. Moore Decl. is proof of submission of the Amended PAGA
24 Settlement Agreement to the LWDA.

25 **II. ISSUES IDENTIFIED IN THE COURT’S TENTATIVE**

26 **A. Breadth of Release**

27 In the tentative the Court states, “This release is overbroad in its present form. It includes all
28 claims for "civil penalties under the Labor Code and [PAGA]" rather than only PAGA civil penalties.
This would seemingly include civil penalties as to which employees have a right of action outside

1 PAGA, such as Lab. Code § 203 (waiting time penalties) and Lab. Code § 206 (wage statement
2 penalties). Although Plaintiff would ostensibly not have standing to release non-PAGA claims "[i]n
3 his capacity as a Private Attorney General or 'aggrieved employee' acting on behalf of himself, the
4 State of California and Aggrieved Employees [,]" for the avoidance of doubt, the Court will require
5 that this release be redrafted to apply only to civil penalties collectible under PAGA and not any other
6 civil penalties.”

7 The Parties have revised the release language to make clear that the release applies only to
8 civil penalties under PAGA. See Supp. Lidman Decl., ¶ 2, Exhs. A and B. The changes have also
9 been mirrored in the proposed Notice of PAGA Settlement and Release of Claims (see Exhibits C and
10 D) and also the Further Revised Proposed Order submitted concurrently herewith.

11 **B. Escalator Clause**

12 In the tentative, the Court states: “Escalator clauses of this kind which permit "moving of the
13 goalposts" to not increase the gross settlement amount are problematic, in that they create uncertainty
14 as to the viability of accrued claims for penalties. The Court must know, before approving the settlement,
15 what the PAGA Period is and how many pay periods it will apply to. The parties must determine that
16 and decide what they will do about the Gross Settlement Amount, so that the Court may approve the
17 settlement from an informed position.”

18 Defendant confirmed that the escalator clause was indeed triggered and elected to end the PAGA
19 period on December 13, 2024, when the pay period count reached 24,625. The Parties have revised the
20 settlement agreement, proposed Notice, and the Further revised Proposed Order to include the end date
21 of December 13, 2024. Please see Exhibits A-D.

22 **C. Notice of Amended Settlement Agreement to the LWDA**

23 Pursuant to the Court’s instruction, Plaintiff submitted a copy of the fully executed Amended
24 PAGA Settlement Agreement to the LWDA. A true and correct copy of the proof of submission is
25 attached to the Supp. Lidman Decl., as Exhibit E.

26 **III. CONCLUSION**

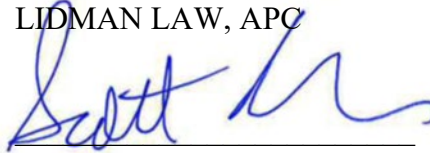
27 For the foregoing reasons and the reasons discussed in Plaintiff’s Motion, Plaintiff respectfully
28 requests that the Court grant Plaintiff’s Motion in its entirety and adopt the Further Revised [Proposed]
Order and Judgment Granting Plaintiff’s Motion for Settlement Approval of Claims Brought Under

1 the Private Attorneys General Act and Reasonable Attorneys' Fees, Costs, and Enhancement Award
2 submitted concurrently herewith.

3
4 Dated: June 4, 2025

Respectfully submitted,
LIDMAN LAW, APC

5
6 By:



Scott M. Lidman
Attorney for Plaintiff
FERNANDO QUEZADA