

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER**

MINUTE ORDER

DATE: 05/08/2025 TIME: 02:00:00 PM DEPT: CX102
JUDICIAL OFFICER PRESIDING: Layne H. Melzer
CLERK: L. Mendez
REPORTER/ERM: None
BAILIFF/COURT ATTENDANT: A. Condaras

CASE NO: **30-2023-01365781-CU-OE-CXC** CASE INIT.DATE: 11/30/2023
CASE TITLE: **Ortiz vs. Acrisure of California, LLC**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT ID/DOCUMENT ID: 74503251

EVENT TYPE: Motion for Approval of Class Settlement

MOVING PARTY: Rodolfo Ortiz

CAUSAL DOCUMENT/DATE FILED: Motion - Other For Preliminary Approval of Class Action
Settlement & PAGA Settlement, 01/31/2025

APPEARANCES

Tentative Ruling posted on the Internet.

There are no appearances by any party.

The Court confirms the tentative ruling, a copy of which is attached hereto and included herein by reference.

Ortiz vs. Acrisure of California, LLC
Case No. 30-2023-01365781

Plaintiff Rodolfo Ortiz's Motion for Preliminary Approval of Class Action and PAGA Settlement is GRANTED.

This is a putative wage-and-hour class action and PAGA matter. On November 30, 2023, Plaintiff Rodolfo Ortiz, an individual on behalf of himself and all others similarly situated ("Plaintiff"), filed a Class Action Complaint against Defendants Acrisure of California, LLC; Acrisure of California Partner Group, LLC; and Mills Insurance Services ("Defendants"). The Complaint alleges nine (9) causes of action for various Labor Code wage-and-hour violations and unfair business practices.

On January 17, 2024, Defendants demurred. However, on February 13, 2024, before the hearing on the demurrer, Plaintiff filed the operative First Amended Complaint ("FAC") adding a cause of action for PAGA violations.

On January 13, 2025, Plaintiff filed the instant Motion for Preliminary Approval of Class Action and PAGA Settlement and submitted the parties' Class Action and PAGA Settlement Agreement ("Settlement Agreement") for the Court's review. The Motion seeks preliminary approval of the parties' proposed settlement for the non-reversionary Gross Settlement Amount of \$250,000.00.

Based upon a review of the Settlement Agreement, the Court finds the Settlement falls within the range of what is considered fair and reasonable, subject to a final determination at the Final Approval hearing.

Within five (5) court days, Class Counsel must make the following corrections to the Settlement Agreement and provide the following information:

- On page 11 of the Settlement Agreement, the paragraphs currently identified as "3.2.4.1" and "3.2.4.2" are incorrectly numbered; they should be identified as "3.2.5.1" and "3.2.5.2".
- Paragraph 7.5.2 should state that the Court has the final say regarding the authenticity and validity of any request for exclusion.
- For requests for exclusion, objections, and challenges to calculation of workweeks, the deadline for submission should be 60 days after the mailing of the Class Notice, plus an additional 45 days after the remailing of any Class Notice.
- Settlement Agreement must provide that the settlement administrator will post copies of the operative Complaint, Settlement Agreement, Class Notice, preliminary approval order, and Final Approval Order and Judgment on its website for at least 60 days.
- In Section 8 of the Class Notice, the department number for the final approval hearing must be updated to Department CX102.
- Class Counsel must provide a copy of the LWDA PAGA Notice Letter.
- Class Counsel must provide information regarding the estimated average, high, and low individual settlement payments, and the estimated average, high, and low individual PAGA payments.

Within five (5) court days, Class Counsel must also provide a revised Proposed Order with the following corrections:

- Revisions to reflect the reassignment of this matter to the Hon. Layne H. Melzer in Department CX102;
- Remove the attorney information from the caption page;
- In the first paragraph, update the date and time of the preliminary approval hearing;
- Add information about the Gross Settlement Amount and the proposed awards for attorneys' fees, litigation costs, administration costs, PAGA penalties, and Plaintiff's enhancement award;
- In Paragraph 14, it must state that the Court's continuing jurisdiction is pursuant to CCP § 664.6 and CRC 3.769(h).

The Motion for Final Approval will be heard on August 7, 2025, at 2:00 p.m. in Department CX102. All papers for the Motion for Final Approval are due no later than sixteen (16) court days prior to the hearing date. If Class Counsel cannot meet this deadline, then counsel must request a continuance of the hearing. Failure to do so may result in the issuance of an OSC re Monetary Sanctions.

At the Final Approval hearing, evidence supporting the request for an award of attorneys' fees should be presented in the form of time records, or a summary of time spent on the substantive tasks, to enable the Court to evaluate the lodestar and costs claimed. Class Counsel should state by declaration whether time records were kept and created contemporaneously or otherwise. The Court also reminds Class Counsel that although a determination regarding the amount of the attorneys' fees award will not be made until final approval, the Court is unlikely to approve attorneys' fees in excess of thirty percent (30%) of the Gross Settlement Amount absent unique circumstances. As a result, in the supplemental filing, Class Counsel should address whether any such unique circumstances exist in this litigation. In addition, Class Counsel must attest as to whether there is a fee-splitting arrangement with any other counsel or confirm there is none.

The amount of the Class Representative Service Payment is higher than what is usually approved by the Court. Therefore, at the Final Approval hearing, Plaintiff and Class Counsel must provide detailed declarations describing circumstances to justify the requested award, and addressing factors set forth in *Golba v. Dick's Sporting Goods, Inc.* (2015) 238 Cal.App.4th 1251, 1272, and *Clark v. Am. Residential Servs., LLC* (209) 175 Cal.App.4th 785, 804. Plaintiff must provide an estimate of the hours spent participating in this litigation.

Plaintiff to give notice of this Court's ruling, including to the LWDA, within five (5) calendar days, and file proof of service.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Ortiz vs. Acrisure of California, LLC**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC
SERVICE****CASE NUMBER:**
30-2023-01365781-CU-OE-CXC

I certify that I am not a party to this cause. I certify that that the following document(s), dated , was transmitted electronically by an Orange County Superior Court email server on May 9, 2025, at 10:31:03 AM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

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Clerk of the Court, by: , Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE