

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

MINUTE ORDER

DATE: 10/30/2025

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: 74622867

EVENT TYPE: Motion for Final Approval

MOVING PARTY: Rodolfo Ortiz

CAUSAL DOCUMENT/DATE FILED: Motion - Other For Final Approval of Class Action Settlement and
PAGA Settlement, 10/07/2025

APPEARANCES

George Azadian, from Azadian Law Group, PC, present for Plaintiff(s) remotely.

Laura Booth, from Shook, Hardy & Bacon LLP, present for Defendant(s) remotely.

Tentative Ruling posted on the Internet.

Counsel requested the following paragraph be corrected to reflect "19 Aggrieved Employees":

The Settlement also includes 18 Aggrieved Employees, defined as: "All individuals who performed work in any non-exempt position for Defendant Mills Insurance Services in California at any time during the PAGA Period." The PAGA Period is from 11/30/2022 through 12/31/2023.

The Court granted the request. All parties submit on the Court's tentative ruling.

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

Ortiz vs. Acrisure of California, LLC
30-2023-01365781

Motion for Final Approval

Plaintiff Rodolfo Ortiz's Motion for Final Approval of Class Action and PAGA Settlement is **CONDITIONALLY GRANTED**, pending the resolution of the issues identified below.

This is a putative wage-and-hour class action and PAGA matter. On 11/30/2023, Plaintiff Rodolfo Ortiz, an individual on behalf of himself and all others similarly situated, filed a class action complaint against Defendants Acrisure of California, LLC; Acrisure of California Partner Group, LLC; and Mills Insurance Services. The complaint alleges nine (9) causes of action for various Labor Code wage-and-hour violations and unfair business practices.

On 2/13/2024, Plaintiff filed the operative first amended complaint adding a cause of action for PAGA violations.

On 1/13/2025, Plaintiff filed the Motion for Preliminary Approval of Class Action and PAGA Settlement. On 5/8/2025, at the 1st hearing on the matter, the court granted the motion. (ROA #67.) On 7/2/2025, the court entered the order granting preliminary approval. (ROA #77.)

On 10/7/2025, Plaintiff filed the instant motion for final approval. The motion seeks approval of the Class Action and PAGA Settlement Agreement, Release of Claims, and Class Notice ("Settlement"), which provides for the settlement of Plaintiff's class and PAGA claims for the non-reversionary Gross Settlement Amount (GSA) of \$250,000. The GSA includes \$15,000 allocated for PAGA penalties.

The Class is comprised of 29 Class Members, defined as: "All individuals who performed work in any non-exempt position for Defendant Mills Insurance Services in California at any time during the Class Period." The Class Period is from 11/30/2019 through 12/31/2023.

The Settlement also includes 19 Aggrieved Employees, defined as: "All individuals who performed work in any non-exempt position for Defendant Mills Insurance Services in California at any time during the PAGA Period." The PAGA Period is from 11/30/2022 through 12/31/2023.

On 7/28/2025, the settlement administrator, Phoenix Settlement Administrators, sent class notices via U.S. Mail to 29 Class Members, including the 19 Aggrieved Employees. As of 10/6/2025, zero (0) class notices were returned to the administrator as undeliverable. The administrator reports that as of 10/6/2025, no requests for exclusion, objections, or workweek disputes were received.

Therefore, 100% of the Class is participating in the Settlement.

The Court concludes that the \$250,000 settlement is fair, adequate, and reasonable, and in the best interests of the Class Members. The Court also concludes that the notice to the Class was adequate. Therefore, the Court certifies the defined Class for settlement purposes only.

The Court concludes that an attorneys' fee award totaling \$75,000 or 30% of the GSA, constituting a 0.08 negative multiplier of the lodestar amount, is fair, adequate, and reasonable for

a class and settlement of this size, including considering the action's contingent nature and the results achieved.

The Court also concludes that litigation costs should not include overhead or nonrecoverable items such as postage. Therefore, the Court deducts from the requested amount \$2.78 for postage incurred on 2/12/2024.

The Court further concludes that a Class Representative Service Payment of \$5,000 is fair, adequate, and reasonable for a class and settlement of this size, considering that there was nothing extraordinary about Plaintiff's contribution to the case.

However, the Court has identified the following issues with the moving papers:

1. There is no indication that the instant motion papers have been served on the LWDA in compliance with Labor Code section 2699(s)(2). Plaintiff is ordered to give notice of this ruling to the LWDA; to serve the LWDA with the original moving papers as well as any new papers filed for future hearings; and to file a proof of service showing such compliance.
2. Counsel has not attested to whether there is any fee-splitting agreement.

These issues must be addressed by Plaintiff and Class Counsel within five (5) court days.

Upon resolution of these issues, the Court will grant the instant motion and approve the following specific awards and disbursements from the GSA:

- Attorneys' fees totaling \$75,000.00 awarded to Class Counsel;
- Litigation costs totaling \$12,941.21 awarded to Class Counsel;
- Settlement administration costs of \$4,000.00 awarded to Phoenix Settlement Administrators;
- Class Representative Service Payment of \$5,000.00 awarded to Plaintiff Rodolfo Ortiz; and
- \$11,250.00 remitted to the Labor and Workforce Development Agency (LWDA) for its share of the PAGA penalties.

The Net Settlement Amount payable to all Class Members is \$141,808.79, including the \$3,750 in PAGA penalties to be distributed to the Aggrieved Employees, in accordance with the terms of the Settlement. Pursuant to the Settlement, Defendant is ordered to separately pay all employer payroll taxes owed on the wage portions of the individual settlement payments.

Within five (5) court days, Class Counsel must submit a revised [Proposed] Order of Final Approval and Judgment with the following corrections and revisions:

1. The specific awards and disbursements should be revised to reflect the amounts set forth in this order.
2. Attorney information must be deleted from caption page.
3. The proposed order and judgment should identify the settlement agreement by its actual name.
4. In addition to stating the class definition, period, and size, the proposed order and judgment should also include such information for PAGA aggrieved employees.
5. The proposed order and judgment should state that the settlement administrator will post a copy of the order and judgment on the website for 180 days rather than just 60 days.

6. Counsel should not leave blank but should instead propose a realistic Final Accounting hearing date, taking into account the time deadlines associated with funding the settlement, mailing distributions, allowing the check-cashing deadline to pass, and depositing uncashed check funds pursuant to the terms of the settlement agreement. The Court usually sets these hearings 9-10 months after final approval if the check-cashing deadline is 180 days. The parties must report to the Court the total amount that was actually paid to class members and all others in accordance with the settlement agreement. All supporting papers must also be filed at least sixteen (16) court days before the Final Accounting hearing date.

Final Accounting will be set in accordance with the Court's Order of Final Approval and Judgment after Class Counsel proposes a realistic date. Counsel shall submit the final report of the settlement administrator regarding the status of the settlement administration no later than sixteen (16) court days prior to the hearing. The final report must include all information necessary for the Court to determine the total amount of the settlement funds actually paid to the Class Members and all others in accordance with the Settlement, as well as the amount of unclaimed funds, if any, remitted to the State Controller's Unclaimed Property Fund. If the settlement funds are not completely disbursed by the report deadline, counsel must request a continuance.

Plaintiff is ordered to give notice of this ruling, including to the LWDA, and file proof of service within five (5) court days after entry of the Final Approval Order and Judgment.