

1 **SHIRIAN LAW, P.C.**

Joshua Shirian (Cal. Bar No. 341909)

2 *josh@shirianlaw.com*

Aaron Yousefzadeh (Cal. Bar No. 351101)

3 *aaron@shirianlaw.com*

4 11110 Ohio Avenue, Suite 106

Los Angeles, California 90025

5 Tel: (310) 907-5000

6 Fax: (310) 988-5000

Attorneys for Plaintiff, JIMMY A. PALMA,

7 and on behalf of himself and all others similarly situated

and aggrieved

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF ORANGE**

11
12 JIMMY A. PALMA, an individual and on
behalf of all others similarly situated,

13
14 Plaintiff,

15 v.

16 SUNSET SIGNS AND PRINTING, INC., a
California corporation; TRACY
17 ESCHENBRENNER, an individual; and
DOES 1 through 100, inclusive,

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19 Defendants.
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CASE NO.: 30-2024-01379991-CU-OE-CXC

[Assigned to the Hon. Melissa R. McCormick
in Dept. CX-104]

**NOTICE OF RULING AT APRIL 24, 2025
HEARING FOR MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

ACTION FILED: February 16, 2024
TRIAL DATE: None set.

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD, AND THE LABOR &**
2 **WORKFORCE DEVELOPMENT AGENCY:**

3 **PLEASE TAKE NOTICE** that on April 24, 2025 at approximately 2:00 p.m. in
4 Department CX-104 of the Superior Court of California, County of Orange, Civil Complex
5 Center, located at 751 W. Santa Ana Blvd, Santa Ana, California 92701, the Court held a Hearing
6 on Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement in the
7 above referenced matter. Joshua Shirian appeared remotely, via Zoom, on behalf of Plaintiff
8 Jimmy A. Palma. Shelby Meskin appeared remotely, via Zoom, on behalf of Defendants Sunset
9 Signs and Printing, Inc. and Tracy Eschenbrenner. No other appearances were made.

10 **PLEASE TAKE FURTHER NOTICE** that at the above-referenced Hearing for Motion
11 for Preliminary Approval of Class Action and PAGA Settlement, the Court ordered as follows:

- 12 1. The Court adopted its tentative ruling as the final order of the Court.
- 13 2. A copy of the Court's tentative ruling is attached hereto as **Exhibit A**.
- 14 3. The Court continued the hearing on Plaintiff's Motion for Preliminary
15 Approval of Class Action and PAGA Settlement to August 21, 2025, at
16 2:00 p.m.
- 17 4. A supplemental brief shall be filed at least nine (9) court days prior to the
18 continued hearing date.
- 19 5. Plaintiff to give notice to all Parties and the LWDA, and file with the Court.

20 **PLEASE TAKE FURTHER NOTICE** that the Court's Order, which contains additional
21 holdings by the Court, is attached hereto as **Exhibit A**.

22 Dated: April 25, 2025

SHIRIAN LAW, P.C.

23
24 BY: 

JOSHUA SHIRIAN

AARON YOUSEFZADEH

Attorneys for Plaintiff JIMMY A. PALMA, on behalf
of himself and all others similarly situated and
aggrieved

EXHIBIT A

**LAW & MOTION CALENDAR
TENTATIVE RULINGS**

April 24, 2025

**Judge Melissa R. McCormick
Dept. CX104**

Department CX104 hears law and motion on Thursdays at 2:00 p.m.

Court reporters: Official court reporters typically are not provided in this department for any proceedings. If the parties desire the services of a court reporter, the parties should follow the procedures set forth on the court's website at www.occourts.org.

Tentative rulings: The court endeavors to post tentative rulings on the court's website by 9:00 a.m. the day of the hearing. 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.

Submitting on tentative rulings: If all parties intend to submit on the tentative ruling and do not desire oral argument, please advise the courtroom clerk or courtroom attendant by calling (657) 622-5304. Please do not call the department unless all parties submit on the tentative ruling. If all parties submit on the tentative ruling and so advise the court, the tentative ruling will become the court's final ruling and the prevailing party shall give notice of the ruling.

Appearances and public access: Appearances, whether in person or remote, must comply with Civil Procedure Code section 367.75, California Rule of Court 3.672, Orange County Superior Court Local Rule 375, and Orange County Superior Court Appearance Procedure and Information—Civil Unlimited and Complex (pub. 9/9/22).

Unless the court orders otherwise, remote appearances will be conducted via Zoom. All counsel and self-represented parties appearing via Zoom must check in through the court's civil remote appearance website before the hearing begins. Check-in instructions are available on the court's website.

The public may attend hearings by coming to court or via remote access as described above.

Photographing, filming, recording and/or broadcasting court proceedings are prohibited unless authorized pursuant to California Rule of Court 1.150 or Orange County Superior Court Local Rule 180.

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. See *Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442 n.1.

NO.	CASE NAME	MATTER
1	Clark, et al. v. Windsail Capital Group, LLC, et al. 2021-01191735	<u>Defendants Windsail Credit Fund, L.P., Windsail Capital Fund, L.P., Windsail Capital Group, LLC, Windsail GP, LLC and Crate Modular, Inc.'s Motion to Seal</u> Defendants Windsail Credit Fund, L.P., Windsail Capital Fund, L.P., Windsail Capital Group, LLC, Windsail GP, LLC and Crate Modular, Inc. move to seal an exhibit lodged conditionally under seal in connection with plaintiff GrowthPoint Global Inc.'s reply in support of its motions to compel responses to a request for

		production and to special interrogatories. For the following reasons, defendants' unopposed motion is granted. The sealed document rules in California Rules of Court 2.550 and 2.551 do not apply to "discovery motions and records filed or lodged in connection with discovery motions or proceedings." Cal. R. Ct. 2.550(a)(3). The exhibit defendants seek to seal was lodged in connection with discovery motions, and defendants designated the document confidential pursuant to the parties' Partial Stipulation and Protective Order (filed 11/14/22, ROA 1073). This showing is sufficient to grant defendants' motion to seal. The following document is ordered sealed: Exhibit 20 to the Supplemental Welch Declaration (ROA 2417) in support of Plaintiff GrowthPoint Global Inc.'s Reply in support of Motions to Compel Responses from Crate Modular, Inc. to Request for Production of Documents No. 91 and to Second Set of Special Interrogatories and from Windsail Entities to Fourth Set of Special Interrogatories. Defendants to give notice.
2	Esquivel v. All-Rite Leasing Company, Inc. 2023-01325416	Off calendar.
3	Kondori, et al. v. Mission Imports 2022-01295280	<u>Plaintiffs' Motion for Approval of PAGA Settlement</u> "Because an aggrieved employee's action under the Labor Code Private Attorneys General Act of 2004 functions as a substitute for an action brought by the government itself, a judgment in that action binds all those, including nonparty aggrieved employees, who would be bound by a judgment in an action brought by the government." <i>Arias v. Superior Court</i> (2009) 46 Cal.4th 969, 986. PAGA settlements are subject to trial court review "to determine whether [they are] fair, reasonable, and adequate in view of PAGA's purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws." <i>Moniz v. Adecco USA, Inc.</i> (2021) 72 Cal.App.5th 56, 77. The court has reviewed and considered the papers filed in support of plaintiffs' motion for approval of a \$395,000 PAGA settlement. The court has the following questions and comments: <u>As to the settlement:</u> - The parties should provide the estimated high and low individual PAGA payments. - Plaintiffs' counsel states that plaintiffs will dismiss the class claims as part of the settlement. Genish Decl.

		(ROA 63) ¶ 14. When will the request for dismissal of the class claims and accompanying declaration be filed? 3. The LWDA letter states plaintiffs were employed by "Mission Auto Parts," which is not party to the lawsuit or included in the settlement agreement. What is Mission Auto Parts, and is plaintiffs' LWDA letter sufficient if it does not identify the defendant in the lawsuit? 4. The settlement agreement defines the "Aggrieved Employees" as: "All current and former hourly, non-exempt employees and commissioned employees who worked for Mission Imports and Foothill Ranch Imports, LLC from October 31, 2021 through January 19, 2024." Are "commissioned employees" hourly, nonexempt employees? In addition, Foothill Ranch Imports, LLC is not a party to the lawsuit and is not included in the release. Why is that entity included in the definition of "Aggrieved Employees"? 5. The PAGA release is overbroad. Settlement Agreement ¶ 2 (at 3). Releases for aggrieved employees other than plaintiffs should not release more than the civil penalties available under PAGA based on the facts alleged in the operative complaint and the notice letter(s) to the LWDA. 6. The settlement agreement should be revised to state that the prevailing party attorneys' fees and costs provision in paragraph 20 (at 8) will not be enforced against unnamed aggrieved employees. 7. Plaintiffs' counsel seeks attorneys' fees totaling 35% of the gross settlement amount. Absent unique circumstances, the court is unlikely to approve an attorneys' fees award that exceeds 30% of the gross settlement amount. Plaintiffs' counsel should address in the supplemental filings whether any such unique circumstances exist here. 8. Plaintiffs should state their total anticipated consideration (including for any individual claims and excluding any enhancement payment). 9. Plaintiffs' counsel should submit contemporaneous time records substantiating the 197.30 hours worked. Genish Decl. (ROA 63) ¶ 51. 10. Plaintiffs' counsel seeks \$9,800.99 in costs. Mailing and copying charges are not recoverable and should be removed. Genish Decl. (ROA 63) Ex. 4. Plaintiffs' counsel should submit invoices substantiating the mediation, Berger Consulting and "payment to provider re production fax request" charges. Plaintiffs should also explain why costs attributable to "client's medical records" and "check to Client Jerome" should be reimbursed from the PAGA settlement.
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		11. Plaintiffs should describe the settlement administrator’s experience (including evidence that the settlement administrator has procedures in place to protect the security of class data, and sufficient insurance in the event of a data breach or mishandling of the settlement funds), and provide a copy of the settlement administrator’s bid. 12. Defendant should state in a declaration filed with the court whether defendant is aware of any class, representative or other collective action in any other court that asserts claims similar to those asserted in this case. If any such actions are known to exist, the declaration(s) shall state the name and case number of any such case and the procedural status of that case, and describe the impact of the settlement on that case. <u>As to the notice letter:</u> 13. The notice letter should be revised consistent with the above. 14. The notice letter should (i) provide an explanation of PAGA; (ii) describe the factual allegations of the operative complaint; (iii) describe the scope of the released claims; (iv) state the gross settlement amount, net settlement amount, and the portions allocated to the LWDA and the aggrieved employees; (v) explain how the individual payments will be calculated; (vi) describe the recipient’s responsibility for any taxes payable on the amount received; and (vii) notify the aggrieved employees that they cannot opt out of the settlement and that, even if they do not cash their checks, they will be bound by the release. 15. Should the notice letter be translated into any language other than English? If so, a certified copy of the translated notice (together with an English-language copy) should be attached to the proposed order and judgment as an exhibit. <u>As to the proposed order and judgment (ROA 58):</u> 16. The proposed order and judgment should be revised consistent with the above. 17. Counsel information should be removed from the caption page. 18. The settlement agreement, any amendment(s) thereto, and the notice letter (in all languages) should be attached as exhibits to the proposed order and judgment. 19. The proposed order and judgment should identify the settlement administrator and state that the administrator
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		is ordered to make disbursements in accordance with the terms of the settlement agreement. 20. The proposed order and judgment should include a provision that the court will retain jurisdiction to enforce the settlement pursuant to Civil Procedure Code section 664.6. 21. The proposed order and judgment should state how notice of entry of the judgment will be given to the aggrieved employees. 22. The proposed order and judgment should include a proposed date for the final accounting hearing. The final accounting hearing should occur after the deadline to cash checks has expired. The court holds final accounting hearings on Thursdays at 9:00 a.m. The proposed order and judgment shall state that counsel shall submit a final administrator's report at least 9 court days before the hearing addressing the status of the settlement administration, including the actual amounts paid to the aggrieved employees and the other amounts distributed under the settlement, including any uncashed checks. The hearing on plaintiffs' motion for approval is continued to <u>July 24, 2025 at 2:00 p.m.</u> in Department CX104 to permit the parties to address and respond to the above issues. <i>See also</i> Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org). A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. <u>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.</u> The parties shall provide redlined copies of any revised documents (e.g., revised settlement agreement, revised notice, revised proposed order). Plaintiffs are ordered to give notice, including to the LWDA, and to file a proof of service. Plaintiffs must also serve the LWDA with any supplemental brief and any amended settlement documents, and file a proof of service.
4	Lawson v. Executive Maintenance, Inc., et al. 2019-01107756	<u>Plaintiff David Lawson's Motion to Compel Deposition</u> Plaintiff David Lawson moves to compel the deposition of nonparty Enrique Morales. The court denied plaintiff's virtually identical motion to compel on October 31, 2025. ROA 657. As plaintiff has again not provided any evidence plaintiff personally served Morales with a deposition subpoena, plaintiff's motion is again denied. As a nonparty, Morales must be personally served with a deposition subpoena. Civ. Proc. Code § 2020.010(a), (b); <i>id.</i> § 2020.220(b), (c). None of the four proofs of service attached to

		the Schubert Declaration reflects personal service of a deposition subpoena on Morales. Schubert Decl. (ROA 730) Exs. 3, 4, 7 & 10. Plaintiff's counsel states that on March 18, 2024 and November 14, 2024 defendants' counsel John Gaule informed her that he represents Morales, and that Gaule additionally stated on November 14, 2024 that he is authorized to accept service of the deposition subpoena on Morales's behalf. Schubert Decl. (ROA 730) ¶¶ 7, 11, 14, 15. Plaintiff's counsel states that plaintiff served Gaule with a subpoena for Morales's deposition on April 23, 2024 and November 25, 2024. Schubert Decl. (ROA 730) ¶¶ 7, 11, 14, 15. Gaule denies that he represents Morales, but states that if Morales has been served with a deposition subpoena, Gaule "will endeavor" to produce Morales for deposition. Opp. (ROA 746) at 2. As the court's prior order states, even if Gaule represents Morales at the deposition, delivery of a deposition subpoena for Morales to Gaule did not constitute service of Morales. See <i>Meza v. Portfolio Recovery Associates, LLC</i> (2019) 6 Cal.5th 844, 855 ("The personal service requirement for subpoenas found in section 1987, subdivision (a) perpetuates a long-standing rule of state procedure, one that predates even the codification of state law. . . . A strict personal service requirement for civil trial subpoenas has been justified on the ground that disobedience of a 'duly served' subpoena represents a form of contempt [citation], and the potentially severe consequences associated with a contempt finding make it especially important to ensure that a prospective witness knows that he or she has been subpoenaed to testify"); <i>In re Abrams</i> (1980) 108 Cal.App.3d 685, 690. Plaintiff's request for sanctions against Attorney Gaule is denied. Plaintiff to give notice.
5	Lopez v. Sunny Delight Beverages Co. 2022-01280502	<u>Plaintiff's Motion for Final Approval of Class Action and PAGA Settlement</u> The court has reviewed and considered the papers filed in support of plaintiff's motion for final approval of an \$850,000 class action and PAGA settlement. The court has the following questions and comments: 1. Are the parties (i.e., plaintiff <i>and</i> defendant) aware of any class, representative or other collective action in any other court that asserts claims similar to those asserted in this case? If any such actions are known to exist, the declaration(s) shall state the name and case number of any such case and the procedural status of that case, and describe the impact of the settlement on that case. 2. Plaintiff's counsel must submit copies of time records, billing statements, or other records contemporaneously documenting the work performed and time spent.

		General summaries are insufficient. Lidman Decl. (ROA 130) Ex. D; Haines Decl. (ROA 132) ¶ 12. 3. Plaintiff's counsel must submit an invoice substantiating the mediation charge and an unredacted copy of the Berger Consulting Group invoice. The charges for copies and postage should be removed. See Civ. Proc. Code § 1033.5(b). 4. Plaintiff should state the total amount of consideration plaintiff anticipates receiving (including for any individual claims and excluding any enhancement award). 5. Pursuant to paragraph 12.E of the second addendum to the settlement agreement, the parties must file with the court the dispute referred to in paragraph 14 of the Burns Declaration (ROA 134), including the evidence submitted and the resolution. 6. As to the proposed order and judgment (ROA 123): a. The proposed order and judgment should be revised as necessary consistent with the above; b. The parties should state their proposed date for the final accounting hearing (Brief (ROA 129) at 27:18) in the proposed order and judgment. The court holds final accounting hearings on Thursdays at 9:00 a.m. The final accounting report must be filed at least 9 court days before the hearing; and c. Paragraph 25 of the proposed order and judgment should state that the settlement administrator shall post a copy of the order and judgment on the settlement website for at least 180 days. The hearing on plaintiff's motion for final approval is continued to <u>July 3, 2025 at 2:00 p.m.</u> in Department CX104 to enable the parties to address and respond to the above issues. See also Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org). A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. 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 documents, and file a proof of service.
6	Marquez v. Pirozzi Enterprises, LLC, et al. 2023-01324104	<u>Plaintiff's Motion for Final Approval of Class Action and PAGA Settlement</u> The court has reviewed and considered the papers, including the supplemental papers, filed in support of plaintiff's motion for final approval of a \$60,000 class action and PAGA settlement. The court grants the motion as follows:

		\$3,500.00 for enhancement award to plaintiff; \$18,000 for attorneys' fees; \$4,000.00 for litigation costs; \$6,000.00 for settlement administration costs; and \$5,000.00 total PAGA penalties (\$3,750.00 to the LWDA). The final accounting hearing is scheduled for <u>April 23, 2026 at 9:00 a.m.</u> in Department CX104. Plaintiff shall submit a final accounting report at least 9 court days before the final accounting hearing regarding the status of the settlement administration. The final report must include all information necessary for the court to determine the total amount actually paid to class members and any amounts tendered to the State Controller's Office under the unclaimed property law. Plaintiff is ordered to give notice, including to the LWDA, and to file a proof of service.
7	Orduna v. Sun-Mar Health Care, Inc., et al. 2021-01235479	Off calendar.
8	Oropeza v. Oceanfront Recovery at Laguna Beach, LLC, et al. 2023-01302016	<u>Plaintiff's Motion for Approval of PAGA Settlement</u> "Because an aggrieved employee's action under the Labor Code Private Attorneys General Act of 2004 functions as a substitute for an action brought by the government itself, a judgment in that action binds all those, including nonparty aggrieved employees, who would be bound by a judgment in an action brought by the government." <i>Arias v. Superior Court</i> (2009) 46 Cal.4th 969, 986. PAGA settlements are subject to trial court review "to determine whether [they are] fair, reasonable, and adequate in view of PAGA's purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws." <i>Moniz v. Adecco USA, Inc.</i> (2021) 72 Cal.App.5th 56, 77. The court has reviewed and considered the papers filed in support of plaintiff's motion for approval of an \$80,000 PAGA settlement. The court has the following questions and comments: <u>As to the settlement:</u> 1. The parties should provide the estimated high and low individual PAGA payments. 2. The "PAGA Released Claims" provision in paragraph I.14 is overbroad. Settlement Agreement ¶ I.14. It is also inconsistent with the "PAGA Released Claims" provision in paragraph III.8. <i>Id.</i> ¶ III.8. Releases for aggrieved employees other than plaintiffs should not release more than the civil penalties available under PAGA based on

		the facts alleged in the operative complaint and the notice letter(s) to the LWDA. 3. When is the PAGA release for the unnamed aggrieved employees effective? 4. The PAGA Period in the settlement agreement (§ I.13) and in the notice (page 1) have different end dates. This discrepancy should be addressed in the supplemental filing. 5. The word "his" in the first sentence of paragraph II.2 of the settlement agreement should be "her." 6. Paragraph V.15 (in the second section V) of the settlement agreement should be revised to state that the prevailing party attorneys' fees and costs provision in that paragraph will not be enforced against unnamed aggrieved employees. 7. The second section V (miscellaneous provision) of the settlement agreement should be renumbered as section VI. 8. Plaintiff's counsel seeks attorneys' fees totaling 33 1/3% of the gross settlement amount. Absent unique circumstances, the court is unlikely to approve an attorneys' fees award that exceeds 30% of the gross settlement amount. Plaintiff's counsel should address in the supplemental filings whether any such unique circumstances exist here. 9. Plaintiff should state her total anticipated consideration (including for any individual claims). 10. Plaintiff's counsel seeks \$6,736.56 in costs. Postage charges are not recoverable and should be removed. Lo Decl. (ROA 75) Ex. E. Plaintiff's counsel should submit an invoice substantiating the mediation charge. <u>As to the notice letter:</u> 11. The notice letter should be revised consistent with the above. 12. The notice letter should (i) provide an explanation of PAGA; (ii) describe the factual allegations of the operative complaint; (iii) describe the scope of the released claims; (iv) state the gross settlement amount, net settlement amount, and the portions allocated to the LWDA and the aggrieved employees; (v) explain how the individual payments will be calculated; (vi) describe the recipient's responsibility for any taxes payable on the amount received; and (vii) notify the aggrieved employees that they cannot opt out of the settlement and that, even if they do not cash their checks, they will be bound by the release.
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		13. The phrase “and the other released parties described above” in the first sentence of the first paragraph on page 3 of the notice (“Participating in Settlement”) should be removed as paragraph III.8 of the settlement agreement states that the PAGA release for unnamed aggrieved employees applies only to defendants. 14. The terms “Net Settlement Amount” and “Covered Period” do not appear to be defined in the notice. 15. Should the notice letter be translated into any language other than English? If so, a certified copy of the translated notice (together with an English-language copy) should be attached to the proposed order and judgment as an exhibit. <u>As to the proposed order and judgment (ROA 70):</u> 16. The proposed order and judgment should be revised consistent with the above. 17. Counsel information should be removed from the caption page. 18. The proposed order should be revised to also enter judgment. 19. The settlement agreement, any amendment(s) thereto, and the notice letter (in all languages) should be attached as exhibits to the proposed order and judgment. 20. The first sentence of the proposed order and judgment is missing an apostrophe “s” after Oropeza. 21. The proposed order and judgment should state that the settlement administrator is ordered to make disbursements in accordance with the terms of the settlement agreement. 22. The proposed order and judgment should include a provision that the court will retain jurisdiction to enforce the settlement pursuant to Civil Procedure Code section 664.6. 23. The proposed order and judgment should state how notice of entry of the judgment will be given to the aggrieved employees. 24. Paragraph 10 of the proposed order and judgment should be removed. 25. The proposed order and judgment should include a proposed date for the final accounting hearing. The final accounting hearing should occur after the deadline to cash checks has expired. The court holds final accounting hearings on Thursdays at 9:00 a.m. The proposed order and judgment shall state that counsel
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		shall submit a final administrator's report at least 9 court days before the hearing addressing the status of the settlement administration, including the actual amounts paid to the aggrieved employees and the other amounts distributed under the settlement, including any uncashed checks. The hearing on plaintiff's motion for approval is continued to <u>August 21, 2025 at 2:00 p.m.</u> in Department CX104 to permit the parties to address and respond to the above issues. See <i>also</i> Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org). A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. <u>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.</u> The parties shall provide redlined copies of any revised documents (e.g., revised settlement agreement, revised notice, revised proposed order). 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.
9	Palma v. Sunset Signs and Printing, Inc., et al. 2024-01379991	<u>Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement</u> The court has reviewed and considered the papers filed in support of plaintiff's motion for preliminary approval of a \$225,000 class action and PAGA settlement. The court has the following questions and comments: <u>As to the settlement:</u> 1. Plaintiff should provide the named plaintiff's anticipated total amount to be received (including for any individual claims and excluding any enhancement payment). 2. The settlement agreement states class members and aggrieved employees have 45 days to opt out, object or dispute the workweek and pay period calculations. The court prefers 60 days. Do unique circumstances warrant a shorter period in this case? 3. Absent unique circumstances, the court is unlikely to approve an enhancement payment in excess of \$5,000. If unique circumstances warrant the higher amount plaintiff seeks, plaintiff should submit a declaration and/or other information explaining those circumstances with the supplemental filings. 4. Plaintiff states that plaintiff's enhancement award is in part in exchange for plaintiff's general release of claims and section 1542 waiver. Brief (ROA 53) at 18:5-6; Palma Decl. (ROA 51) ¶ 22; Shirian Decl. (ROA 49) ¶ 44.

		An enhancement award is not intended to serve as consideration for the release of additional claims, but rather to compensate class representatives for work done on behalf of the class, to make up for financial or reputational risk undertaken in bringing the action, and, in some circumstances, to recognize their willingness to act as a private attorney general. The court is unlikely to approve a settlement that provides an enhancement award in exchange for a general release. 5. Absent unique circumstances, the court is unlikely to approve attorneys' fees in excess of 30% of the gross settlement amount. Plaintiff's counsel should address in the supplemental filing whether any such unique circumstances exist here. 6. Plaintiff states the settlement administrator seeks up to \$15,000 in costs. The settlement administrator (Mullins Decl. (ROA 47) ¶ 10 & Ex. C) states the settlement administrators' fees will not exceed \$5,350. The settlement agreement, notice and proposed order should be modified accordingly. 7. The parties (including defendants) should advise, in declarations filed with the court, whether, after making reasonable inquiry, they are aware of any class, representative or other collective action in any court that asserts claims similar to those asserted in this action. If any such actions are known to exist, the declarations shall also state the name and case number of any such case and the procedural status of that case, and describe the impact of the settlement on that case. 8. The parties should provide the estimated high, low and average individual class and individual PAGA payments. 9. The "Released Parties" provision is overbroad. Settlement Agreement ¶ 1.Y. It includes unidentified and/or unrelated third parties, e.g., "dba's, affiliates," "insurers and reinsurers," "company-sponsored employee benefit plans of any nature," and "their successors and predecessors in interest including all of their officers, directors, shareholders, employees, agents, principals, heirs, representatives, accountants, auditors, consultants, attorneys, administrators, fiduciaries, trustees, and agents." 10. The "Release by All Participating Class Members" provision is overbroad. Settlement Agreement ¶ 7.A. The release of the class members' claims must be fairly tailored to the claims that were or reasonably could have been asserted in the lawsuit based on the facts alleged in the operative complaint. 11. The "PAGA Released Claims" provision is overbroad. Settlement Agreement ¶ 1.32. Releases for aggrieved
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		employees other than plaintiff should not release more than the civil penalties available under PAGA based on the facts alleged in the operative complaint and the notice letter to the LWDA. 12. Paragraph 9.D of the settlement agreement should be revised to state: (i) the parties shall file with the court all disputes submitted by class members, the evidence submitted, and the resolution of the disputes, and (ii) although the settlement administrator may make the initial decision regarding claim disputes, the court may review any decision made by the settlement administrator regarding a claim dispute. 13. Plaintiff's counsel should submit evidence substantiating the amount of not-to-exceed litigation costs (e.g., itemized litigation costs incurred to date), and should provide an explanation for the generous not-to-exceed costs amount (\$25,000, i.e., approximately 11% of the gross settlement amount) plaintiff seeks. <u>As to the notice:</u> 14. The notice should be revised consistent with the above. 15. The phrase "and PAGA" should be added after "action" and before "settlement" in the title and second paragraph (on page 1) of the notice. 16. The court prefers that the notice be accompanied by a separate form to be completed by a class member seeking to be excluded, and a separate form to be completed by a class member wishing to object. The settlement agreement and notice should be revised accordingly. 17. The URL on page 6 of the notice (under "Final Approval Hearing") should be revised to refer to the correct court. 18. The settlement administrator's invoice includes a charge for a Spanish-language translation. Mullins Decl. Ex. C. Should the notice be translated into Spanish or any other languages? If so, a copy of the certified translation(s) should be submitted to the court and attached as an exhibit to the proposed order. <u>As to the proposed order (ROA 45):</u> 19. The proposed order should be revised consistent with the above. 20. Counsel information should be removed from the caption page. 21. The settlement agreement and any amendments thereto and the notice packet (in all languages) should be attached as exhibits to the proposed order.
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		22. The proposed order should also address the PAGA settlement, e.g., in paragraph 2. 23. The proposed order should be substantially shortened and need not restate large portions of the settlement agreement. 24. The parties should propose a date for the final approval hearing. The court holds final approval hearings on Thursdays at 2:00 p.m. The motion for final approval should be filed and served at least 16 court days before the final approval hearing. 25. The proposed order should include a provision stating that the court retains jurisdiction to enforce the settlement pursuant to Civil Procedure Code section 664.6. The hearing on plaintiff's motion for preliminary approval of a class action and PAGA settlement is continued to <u>August 21, 2025 at 2:00 p.m.</u> in Department CX104 to permit the parties to address and respond to the above issues. <i>See also</i> Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org). A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. <u>If required, an amendment to the settlement agreement is directed, rather than "amended settlement agreement," to streamline the court's review.</u> The parties shall also provide redlined copies of any revised documents. Plaintiff is ordered to provide 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.
10	Rodriguez, et al. v. Roy Miller Painting, Inc. 2023-01314830	<u>Plaintiffs' Motion for Final Approval of Class Action and PAGA Settlement</u> The court has reviewed and considered the papers, including the supplemental papers, filed in support of plaintiffs' motion for final approval of a \$181,000 class action and PAGA settlement. The court grants the motion as follows: \$10,000.00 for enhancement awards to plaintiffs (\$5,000.00 for each plaintiff); \$60,333.33 for attorneys' fees; \$19,310.48 for litigation costs; \$6,500.00 for settlement administration costs; and \$15,000.00 total PAGA penalties (\$11,250.00 to the LWDA). The final accounting hearing is scheduled for <u>January 29, 2026 at 9:00 a.m.</u> in Department CX104. Plaintiffs shall submit a final accounting report at least 9 court days before the final

		accounting hearing regarding the status of the settlement administration. The final report must include all information necessary for the court to determine the total amount actually paid to class members and any amounts tendered to the State Controller's Office under the unclaimed property law. Plaintiffs are ordered to give notice, including to the LWDA, and to file a proof of service.
11	Slane v. Reef, Inc., et al. 2022-01272718	<u>Plaintiff's Motion for Final Approval of Class Action and PAGA Settlement</u> The court has reviewed and considered the papers filed in support of plaintiffs' motion for final approval of an \$184,491.48 class action and PAGA settlement. The court has the following questions and comments: 1. Are the parties (i.e., plaintiff <i>and</i> defendants) aware of any class, representative or other collective action in any other court that asserts claims similar to those asserted in this case? If any such actions are known to exist, the declaration(s) shall state the name and case number of any such case and the procedural status of that case, and describe the impact of the settlement on that case. 2. Plaintiff must submit a declaration that includes an estimate of the hours spent on this litigation. 3. Plaintiff must state the total amount of compensation plaintiff anticipates receiving (including for any individual claims and excluding any enhancement award). 4. Counsel must disclose whether counsel has any fee-splitting arrangement with any other counsel, including the exact percentages, or confirm none exists. <i>Barnes, Crosby, Fitzgerald & Zeman, LLP v. Ringler</i> (2012) 212 Cal.App.4th 172, 184; Cal. R. Ct. 3.769(b). 5. The settlement agreement attached to the Davis Declaration appears to missing the amendments. Plaintiff's counsel must submit a complete set of the settlement agreement documents. 6. The parties should provide the low individual class payment and the low individual PAGA payment. 7. Plaintiff's counsel must an itemized list of the claimed costs and a copy of the invoice for the "expert analysis" referred to in Exhibit 4 to the Davis Declaration (ROA 181). In addition, the court will not award costs not incurred; "future costs" should be removed. 8. As to the proposed order and judgment (ROA 176): a. The proposed order and judgment should be revised as necessary consistent with the above;

		b. Counsel information should be removed from the caption page; c. The caption page should identify the purpose of the order and judgment, i.e., "granting motion for final approval of class and PAGA settlement." d. The hearing date and time should be removed from the caption page; e. Paragraph 5 should be removed, as it (i) cites an inapplicable section of the Code of Civil Procedure in the first sentence and (ii) appears redundant of paragraph 6; f. Paragraphs 7 and 8 do not appear to accurately describe the releases and should be revised; g. Paragraph 8 should be removed; h. Paragraph 12 does not appear to state either the percentage or the amount of claimed attorneys' fees accurately; i. The parties should propose a date for the final accounting hearing. The court holds final accounting hearings on Thursdays at 9:00 a.m. The final accounting report must be filed at least 9 court days before the hearing; j. The proposed order and judgment should state that the settlement administrator shall post a copy of the order and judgment on the settlement website for at least 180 days; and k. A new paragraph should be inserted after paragraph 22 that states: "The court hereby enters final judgment in accordance with the terms of the Settlement Agreement and its amendments, the November 5, 2024 Order Granting Preliminary Approval of Class Action and PAGA Settlement, and this Order." The hearing on plaintiff's motion for final approval is continued to <u>August 21, 2025 at 2:00 p.m.</u> in Department CX104 to enable the parties to address and respond to the above issues. See <i>also</i> Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org). A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points.
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		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 documents, and file a proof of service.
12	Trembley v. Little Sister OC, LLC 2023-01308822	<u>Plaintiff's Motion for Approval of PAGA Settlement</u> "Because an aggrieved employee's action under the Labor Code Private Attorneys General Act of 2004 functions as a substitute for an action brought by the government itself, a judgment in that action binds all those, including nonparty aggrieved employees, who would be bound by a judgment in an action brought by the government." <i>Arias v. Superior Court</i> (2009) 46 Cal.4th 969, 986. PAGA settlements are subject to trial court review "to determine whether [they are] fair, reasonable, and adequate in view of PAGA's purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws." <i>Moniz v. Adecco USA, Inc.</i> (2021) 72 Cal.App.5th 56, 77. The court has reviewed and considered the papers filed in support of plaintiff's motion for approval of an \$100,000 PAGA settlement. The court has the following questions and comments: <u>As to the settlement:</u> 1. The parties should provide the estimated high and low individual PAGA payments. 2. The "Released Parties" provision in paragraph 1(1.26) is overbroad. Settlement Agreement ¶ 1(1.26). It includes unrelated third parties such as "attorneys" and "insurers," and ambiguous and/or overbroad terms such as "affiliated entities and individuals." 3. Defendant should advise, in a declaration filed with the court, whether, after making reasonable inquiry, it is aware of any class, representative or other collective action in any court that asserts claims similar to those asserted in this action. If any such actions are known to exist, the declaration shall also state the name and case number of any such case and the procedural status of that case, and describe the impact of the settlement on that case. 4. The first sentence of paragraph 5 (at 10:3) is ambiguous as to whether plaintiff will release claims "on behalf of the State" or "on behalf of the State and the Aggrieved Employees." The court assumes the parties intend the former, as paragraph 5(5.2) states the Aggrieved Employees' release. The first sentence of paragraph 5 should be revised to address this ambiguity. 5. The "Release by Aggrieved Employees" provision in paragraph 5(5.2) is overbroad. Settlement Agreement ¶ 5(5.2). Releases for aggrieved employees other than plaintiffs should not release more than the civil penalties

		available under PAGA based on the facts alleged in the operative complaint and the notice letter(s) to the LWDA. If the original complaint was amended, such that the original complaint is not the operative complaint, the reference to "the original complaint" should be removed. If the original complaint was not amended, such that it remains the operative complaint, either the reference to "the original complaint" or the reference to "the Operative Complaint" should be removed. 6. Plaintiff's counsel seeks attorneys' fees totaling 35% of the gross settlement amount. Absent unique circumstances, the court is unlikely to approve an attorneys' fees award that exceeds 30% of the gross settlement amount. Plaintiff's counsel should address in the supplemental filings whether any such unique circumstances exist here. 7. Plaintiff's counsel should submit contemporaneous time records substantiating the 66.13 hours worked. Kim Decl. (ROA 67) ¶ 29. 8. Counsel must disclose whether counsel has any fee-splitting arrangement with any other counsel, including the exact percentages, or confirm none exists. 9. The court will not award costs that exceed the amount agreed to in the settlement agreement. If the parties have agreed plaintiff's counsel may seek a costs award that exceeds the amount stated in the settlement agreement, the parties should amend the settlement agreement to so state. 10. Plaintiff's counsel seeks \$18,206.96 in costs. Plaintiff's counsel should submit invoices substantiating the mediation and Berger Consulting charges, and, for the latter, provide an explanation of the "expert" services provided and the necessity of the services. Kim Decl. (ROA 67) Ex. 3. 11. Plaintiff should state his total anticipated consideration (including for any individual claims). <u>As to the notice letter:</u> 12. The notice letter should be revised consistent with the above. 13. The word "strongly" should be removed in the fourth full paragraph on page 2 of the notice letter. 14. The description of the aggrieved employees' release in the first paragraph under "Your Settlement Check and the Release of Claims" is inconsistent with the release in the settlement agreement and the release described later in the same section of the notice letter. It also seems unnecessary as the "Release by Aggrieved
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		Employees” is set forth in the same section of the notice letter. 15. In the last paragraph of the section entitled “Your Settlement Check and the Release of Claims” on page 3 of the notice letter, the phrase “and regardless of whether this letter can be delivered to you” should be removed from the first sentence. The remainder of that sentence appears redundant of the last sentence of the same paragraph. <u>As to the proposed order and judgment (ROA 61):</u> 16. The proposed order and judgment should be revised consistent with the above. 17. Counsel information should be removed from the caption page. 18. The proposed order should be revised to also enter judgment. 19. The settlement agreement, any amendment(s) thereto, and the notice letter (in all languages) should be attached as exhibits to the proposed order and judgment. 20. The phrase “to be” should be inserted in the first sentence of paragraph 3 after “the amount” and before “paid in settlement.” 21. The proposed order and judgment should state that the settlement administrator is ordered to make disbursements in accordance with the terms of the settlement agreement. 22. Paragraph 14 should include that the court will retain jurisdiction to enforce the settlement pursuant to Civil Procedure Code section 664.6. 23. The phrase “with prejudice” should be removed from paragraph 15. 24. The second paragraph 15 should be removed. 25. The proposed order and judgment should state how notice of entry of the judgment will be given to the aggrieved employees. 26. The proposed order and judgment should include a proposed date for the final accounting hearing. The final accounting hearing should occur after the deadline to cash checks has expired. The court holds final accounting hearings on Thursdays at 9:00 a.m. The proposed order and judgment shall state that counsel shall submit a final administrator’s report at least 9 court days before the hearing addressing the status of the settlement administration, including the actual amounts
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		paid to the aggrieved employees and the other amounts distributed under the settlement, including any uncashed checks. The hearing on plaintiff's motion for approval is continued to <u>August 21, 2025 at 2:00 p.m.</u> in Department CX104 to permit the parties to address and respond to the above issues. See <i>also</i> Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org). A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. <u>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.</u> The parties shall provide redlined copies of any revised documents (e.g., revised settlement agreement, revised notice, revised proposed order). 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.
Ex parte	John Doe 1, et al. v. Thompson, et al. 2023-01370866	No tentative ruling will be posted for this matter.
13 2:30 p.m.	Bargar v. Synapse Group, Inc. 2023-01342702	<u>Attorney Ross Schmierer's Motion to Appear Pro Hac Vice</u> Attorney Ross Schmierer moves to appear pro hac vice for plaintiff Robert Bargar. For the following reasons, the unopposed motion is granted. The application is verified and/or supported by a declaration(s). It properly sets forth the applicant's residence and office addresses and California counsel's contact information. It states the applicant's courts and dates of admission and attests to his good standing. The application states there have been two prior applications in federal district courts in California in the last two years; the application does not state that there have been any prior applications in California state courts in the last two years. The application and accompanying declarations state the application has been served on the State Bar of California at its San Francisco address and that the application fee has been paid. Cal. R. Ct. 9.40(c)-(e). Plaintiff to give notice.
14 2:30 p.m.	Varela v. American Addiction Centers, Inc. 2023-01366667	<u>Attorney Daniel Crowell's Motion to Appear Pro Hac Vice</u> Attorney Daniel Crowell moves to appear pro hac vice for defendant American Addiction Centers, Inc. For the following reasons, the unopposed motion is granted. The application is verified and/or supported by a declaration(s). It properly sets forth the applicant's residence

		and office addresses and California counsel's contact information. It states the applicant's courts and dates of admission and attests to his good standing. The application states there have been two prior applications in California state courts in the last two years and one prior application in a federal district court in California in the last two years. The application and accompanying declarations state the application has been served on the State Bar of California at its San Francisco address and that the application fee has been paid. Cal. R. Ct. 9.40(c)-(e). Defendant to give notice. <u>Status Conference</u> The court has reviewed the parties' joint status conference statement filed April 17, 2025 in Case No. 2023-01366667 (ROA 63), and based thereon continues the April 24, 2025 status conferences in Case Nos. 2023-01366667 and 2023-01366691 to <u>July 31, 2025 at 9:00 a.m.</u> in Department CX104. The parties are ordered to file a joint status conference statement at least 5 court days before the hearing. The parties may file one joint status conference statement for both cases should they desire to do so. Clerk to give notice.
15 2:30 p.m.	Varela v. American Addiction Centers, Inc. 2023-01366691	<u>Attorney Daniel Crowell's Motion to Appear Pro Hac Vice</u> Attorney Daniel Crowell moves to appear pro hac vice for defendant American Addiction Centers, Inc. For the following reasons, the unopposed motion is granted. The application is verified and/or supported by a declaration(s). It properly sets forth the applicant's residence and office addresses and California counsel's contact information. It states the applicant's courts and dates of admission and attests to his good standing. The application states there have been two prior applications in California state courts in the last two years and one prior application in a federal district court in California in the last two years. The application and accompanying declarations state the application has been served on the State Bar of California at its San Francisco address and that the application fee has been paid. Cal. R. Ct. 9.40(c)-(e). Defendant to give notice. <u>Status Conference</u> The court has reviewed the parties' joint status conference statement filed April 17, 2025 in Case No. 2023-01366667 (ROA 63), and based thereon continues the April 24, 2025 status conferences in Case Nos. 2023-01366667 and 2023-01366691 to <u>July 31, 2025 at 9:00 a.m.</u> in Department CX104.

		The parties are ordered to file a joint status conference statement at least 5 court days before the hearing. The parties may file one joint status conference statement for both cases should they desire to do so. Clerk to give notice.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 11110 Ohio Ave., Suite 106, Los Angeles, California 90025.

On April 25, 2025, and pursuant to the California Code of Civil Procedure section 1010.6, I caused a true and correct copy of the foregoing document(s) described as **NOTICE OF RULING AT APRIL 24, 2025 HEARING FOR MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT** to be served by electronic transmission to the below referenced electronic e-mail addresses as follows:

Elissa L. Gysi
egysi@hillfarrer.com
James A. Bowles
jbowles@hillfarrer.com
Shelby Meskin
smeskin@hillfarrer.com
HILL, FARRER & BURRILL LLP
300 So. Grand Ave., 37th Fl.
Los Angeles, CA 90071
Telephone: (213) 620-0460
Fax: (213) 624-4840

**Counsel for Defendants SUNSET SIGNS AND PRINTING, INC. and TRACY
ESCHENBRENNER**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 25, 2025 at Los Angeles, California



Joshua Shirian