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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

FALCAO RIVELINO HERNANDEZ and
SERGIO RODRIGUEZ NAVA,
individually and on behalf of others
similarly situated, and as aggrieved
employees and Private Attorneys General,

Plaintiffs,

vs.

LDI MECHANICAL, INC., a Delaware
corporation doing business in California;
and DOES 1 through 50, inclusive,

Defendant.

Case No. CVRI2401542

*[Case assigned for all purposes to the Hon.
Harold W. Hopp, Dept. 1]*

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA ACTION
SETTLEMENT**

Date: November 14, 2025
Time: 8:30 a.m.
Dept.: 1

Action Filed: March 22, 2024
Trial Date: None Set

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

2 Plaintiffs Falcao Rivelino Hernandez and Sergio Rodriguez Nava (“Plaintiffs”) hereby
3 submit the following Supplemental Brief in Support of Motion for Preliminary Approval of Class
4 Action and PAGA Action Settlement in response to the questions posed by this Court in its
5 October 3, 2025 Tentative Ruling, attached as **Exhibit A** to the Supplemental Declaration of
6 Matthew K. Moen (“Moen Decl.”) (the “Tentative Ruling”). After reviewing the Tentative
7 Ruling, Plaintiffs and Defendant LDI Mechanical, Inc. (“Defendant”) met and conferred
8 regarding the issues raised by the Court. Plaintiffs now address each issue below in the same order
9 listed in the Tentative Ruling.

10 **(1) Plaintiffs’ Counsel’s Declaration**

11 *“Plaintiffs’ counsel’s declaration fails to indicate whether they made a reasonable inquiry*
12 *in their law firm to determine whether any similar representative claim has been asserted in any*
13 *other court?”*

14 Plaintiffs’ counsel is not aware of any class, representative or other collective action
15 pending in any other court that asserts claims similar to those asserted in this action. *See* Moen
16 Decl., ¶ 3; Declaration of Carlos Jimenez (“Jimenez Decl.”), ¶ 3. Further, in advance of filing this
17 Supplemental Brief, Plaintiffs’ counsel performed a search of the PAGA Case Search website
18 (<https://cadir.my.salesforce-sites.com/PagaSearch>) and CasePortal by Courthouse News Service
19 (cns.caseportal.com) to confirm that no additional class, representative or other collective actions
20 have been filed, and no additional LWDA letters have been submitted, against Defendant that
21 assert claims similar to those asserted in this action. *Id.* Plaintiffs’ counsel also sent firm-wide
22 emails inquiring if any member of their respective firms were aware of any class, representative,
23 or other collective action pending in any other court that asserts claims similar to those asserted
24 in this action. *Id.* No one from Plaintiffs’ counsel’s respective firms stated that they were aware
25 of any class, representative, or other collection action pending in any other court that asserts
26 claims similar to those asserted in this action. *Id.*

27 **(2) Attachments to the Proposed Order**

28 *“The notice, objection form, and exclusion form are not attached to the proposed order.”*

1 The Class Notice, Dispute Form, Exclusion Form, and Objection Form (collectively, the
2 “Notice Packet”) are attached as Exhibit 1 to the revised Amended [Proposed] Order Granting
3 Preliminary Approval of Class Action and PAGA Action Settlement, being lodged concurrently
4 with this filing. *See* Moen Decl., ¶ 4, **Exhibit B** (Amended [Proposed] Order) at Exhibit 1; *see*
5 *also* Moen Decl., **Exhibit C** (redlined Amended [Proposed] Order).

6 **(3) Range of Potential Recovery by Settling Class Members in Notice**

7 *“The notice does not describe the range of potential recovery by the settling class*
8 *members.”*

9 The Parties have included the range of potential recovery by the Settlement Class
10 Members on page 4 of the proposed Class Notice. *See* Moen Decl., ¶ 5; **Exhibit D** (revised clean
11 Notice Packet), at p. 4; **Exhibit E** (redlined Notice Packet), at p. 4.

12 **(4) Section Symbols in Notice**

13 *“The notice uses section symbols, contrary to the express terms of the CMO.”*

14 After a thorough review of the Class Notice and all Notice Packet documents, Plaintiffs’
15 counsel are unable to find any section symbols used in the Class Notice or Notice Packet
16 documents. Moen Decl., ¶ 6; *see also* **Exhibit D**. Plaintiffs’ counsel submits that they have
17 ensured that no section symbols appear in the Notice Packet, pursuant to the Court’s CMO. *Id.*

18 **(5) Use of “Non-Exempt” in Notice**

19 *“The notice uses “non-exempt,” contrary to the express terms of the CMO.”*

20 Plaintiffs’ counsel has removed all references to “non-exempt” from the Notice Packet.
21 Moen Decl., ¶ 7; **Exhibit D** (revised clean Notice Packet), at pp. 1, 3-4; **Exhibit E** (redlined
22 Notice Packet), at pp. 1, 3-4.

23 **(6) Use of “et al.” in Notice Packet**

24 *“The notice and the dispute, objection, and exclusion forms all use “et al.,” contrary to*
25 *the express terms of the CMO.”*

26 Plaintiffs’ counsel has removed all references to “et al.” from the Class Notice and all
27 Notice Packet documents. Moen Decl., ¶ 8; **Exhibit D** (revised clean Notice Packet), at pp. 1, 5-
28 8; **Exhibit E** (redlined Notice Packet), at pp. 1, 5-8.

“The objection and exclusion forms do not include the contact information of the administrator.”

(8) Declaration of Jodey Lawrence

Plaintiffs’ counsel apologizes for the erroneous reference to the declaration of Jodey Lawrence of Phoenix in the Declaration of Matthew K. Moen in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action and PAGA Action Settlement. Moen Decl., ¶ 10. Plaintiff’s counsel had anticipated filing the declaration of Jodey Lawrence when preparing counsel’s declaration. However, Phoenix ultimately provided Plaintiffs’ counsel with the Declaration of Kevin Lee of Phoenix in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action and PAGA Action Settlement in lieu of the declaration of Jodey Lawrence, which Plaintiffs ultimately filed in support of the Motion on August 7, 2025. *Id.*

Finally, concurrently with the filing of this Supplemental Brief, Plaintiffs have submitted copies of this Supplemental Brief, all papers and declarations filed in support hereof, and the Amended [Proposed] Order to the LWDA. *See* Moen Decl., ¶ 11, **Exhibit F** (LWDA Submission); Proof of Service.

Dated: November 5, 2025

Respectfully submitted,
HAINES LAW GROUP, APC

By: Matthew K. Moen
Matthew K. Moen
Attorneys for Plaintiffs