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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

DAVID HEATH, individually, and on behalf of
other members of the general public similarly
situated;

Plaintiff,

v.

RAINBOW HOME CARE SERVICES, INC., a
California corporation; and DOES 1 through
100, inclusive;

Defendants.

Case No.: 30-2024-01444583-CU-OE-CXC

Assigned for All Purposes to:
Honorable Layne H. Melzer
Department CX-102

CLASS ACTION

**SUPPLEMENTAL BRIEF IN SUPPORT
OF PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

[Reservation Number: 74596866]

RELATED TO ROA NUMBER: 62

*[Supplemental Declaration of Proposed Class
Counsel (Douglas Han) and Declaration of
Magda Rodriguez filed concurrently
herewith]*

Hearing Date: February 19, 2026
Hearing Time: 2:00 p.m.
Hearing Place: Department CX-102

Complaint Filed: December 6, 2024
Trial Date: None Set

Plaintiff David Heath (“Plaintiff”) provide this supplemental submission in response to the Court’s tentative ruling on the Motion for Preliminary Approval of Class Action Settlement originally scheduled for hearing on November 20, 2025. On November 19, 2025, the Court issued a tentative ruling ordering Plaintiff and Defendant Rainbow Home Care Services, Inc. (“Defendant”) to make changes to the settlement documents that were submitted alongside the Motion for Preliminary Approval of Class Action Settlement.

The chart below lists each of the Court’s issues from the tentative ruling and the revisions/submissions made to address each issue.

Ruling	Revisions/Submissions
(1) The moving papers do not explain why Defendants will fund the GSA in two installment payments rather than one lump sum.	(Supplemental Declaration of Douglas Han in Support of Motion for Preliminary Approval of Class Action Settlement (“Supp. Han Decl.”), ¶ 4.) (Declaration of Magda Rodriguez, ¶¶ 3-10.)
(2) The Settlement Agreement should specify the order of distributions, with Class Members, Aggrieved Employees, and the LWDA paid first, followed by Plaintiff’s enhancement, administration costs, and attorneys’ fees and litigation costs.	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i> , at ¶ 5; Exhibit 2, <i>supra</i> , at § III(E)(3).) The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i> , at ¶ 6; Exhibit 4, <i>supra</i> , at § 10.)

(3) In the Settlement Agreement, the escalator clause includes an option allowing Defendant to shorten the Class Period. This is problematic because it renders the Class Period uncertain and may result in eliminating otherwise eligible Class Members from the settlement.

(Supp. Han Decl., *supra*, at ¶ 7.)

(4) Class Members must have the option of submitting Requests for Exclusion, Objections, and Workweek and Pay Period Disputes by fax and email in addition to by mail.

The Settlement Agreement has been amended accordingly.

(Supp. Han Decl., *supra*, at ¶ 8; Exhibit 2, *supra*, at §§ III(G)(3)-III(G)(5).)

The Class Notice has been modified accordingly.

(Supp. Han Decl., *supra*, at ¶ 9; Exhibit 4, *supra*, at §§ 7, 8, 10, 11.)

The Exclusion Form has been modified accordingly.

(Supp. Han Decl., *supra*, at ¶ 10; Exhibit 1, *supra*, at p. 1.)

(5) The deadline for responses to the Class Notice (i.e., opt outs, objections, and workweek disputes) after remailing is too short and should be at least 30 days after remailing.

The Settlement Agreement has been amended accordingly.

(Supp. Han Decl., *supra*, at ¶ 11; Exhibit 2, *supra*, at § I(MM).)

The Class Notice has been modified accordingly.

(Supp. Han Decl., *supra*, at ¶ 12; Exhibit 4, *supra*, at §§ 7, 8.)

(6) The Settlement Agreement is ambiguous as to who shall make the final determination as to the authenticity and validity of an opt-out request. The Settlement Agreement should specify that while the administrator may make the initial determination, the Court will ultimately decide any unresolved dispute regarding the authenticity and/or validity of an opt-out request.

The Settlement Agreement has been amended accordingly.

(Supp. Han Decl., *supra*, at ¶ 13; Exhibit 2, *supra*, at § III(G)(3)(e).)

The Class Notice has been modified accordingly.

(Supp. Han Decl., *supra*, at ¶ 14; Exhibit 4, *supra*, at § 6.)

(7) The release by PAGA Aggrieved Employees should be reworded so that it does not contain a direct release by the LWDA, who is not a party to this action, and should instead specify that Plaintiff is releasing the PAGA claims on behalf of the LWDA.	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 15; Exhibit 2, <i>supra</i>, at §§ I(KK), III(I).) The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 16; Exhibit 4, <i>supra</i>, at § 9(B).)
(8) The Settlement Agreement should specify that the Court’s continuing jurisdiction is pursuant to California Code of Civil Procedure section 664.6 and California Rules of Court, rule 3.769(h).	The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 17; Exhibit 2, <i>supra</i>, at § III(K)(9).)
(9) The notice and request for exclusion form should be revised so as to be consistent with the resolution of the issues identified above.	The Class Notice has been modified accordingly.
(10) The following sentences on p. 1 should be bolded: “However, your legal rights are affected by whether you act or don’t act”; and “Because your rights may be affected by this Settlement, it is important that you read this Notice of Class Action and PAGA Settlement (‘Notice’) carefully.”	The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 18; Exhibit 4, <i>supra</i>, at p. 1.)

1 2 3 4 5	(11) Under section 6, the options described should include disputing workweeks and/or pay periods.	The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i> , at ¶ 19; Exhibit 4, <i>supra</i> , at § 6.)
6 7 8 9 10	(12) Under section 10, the dollar amount representing 35% of the GSA should be specified.	The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i> , at ¶ 20; Exhibit 4, <i>supra</i> , at § 10.)
11 12 13 14 15	(13) Under section 12, the sentence “Defendant’s costs and attorney’s fees are not paid out of the Settlement” is confusing, as “Settlement” is earlier defined on p. 1 as the entire settlement.	The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i> , at ¶ 21; Exhibit 4, <i>supra</i> , at § 12.)
16 17 18 19 20 21 22 23 24 25 26	(14) Rather than having Class Members draft their own objections and workweek or pay period disputes, the Class Notice should include separate forms for each of these processes.	(Supp. Han Dec., <i>supra</i> , at ¶ 22; Exhibits 6, 7.) The Settlement Agreement has been amended accordingly. (Supp. Han Decl., <i>supra</i> , at ¶ 23; Exhibit 2, <i>supra</i> , at §§ I(S), I(AA), I(BB), III(G)(2), III(G)(3), III(G)(4), III(G)(5), III(G)(7).) The Class Notice has been modified accordingly.

	(Supp. Han Decl., <i>supra</i> , at ¶ 24; Exhibit 4, <i>supra</i> , at §§ 6-8, 10, 11.)
(15) In addition to class counsel’s contact information and the court’s URL for viewing the docket, the notice should also provide a URL to a website, maintained by the settlement administrator or plaintiff’s counsel, that has links to the notice and key case documents.	The Class Notice has been modified accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 25; Exhibit 4, <i>supra</i>, at §§ 5, 13.)
(16) The proposed order should be revised to incorporate the relevant revisions identified above, including attaching the revised Class Notice.	The Proposed Amended Order has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶¶ 26-28.)
(17) Attorney information must be deleted from the caption page.	The Proposed Amended Order has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 29.)
(18) The date for the preliminary approval hearing should be updated to reference the continued hearing date.	The Proposed Amended Order has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 30.)
(19) The proposed order should reference by name and ROA number all the declaration(s) to which the settlement agreement and any amendments thereto are attached.	The Proposed Amended Order has been amended accordingly. (Supp. Han Decl., <i>supra</i>, at ¶ 31.)

(20) The proposed order should specify the amounts proposed to be allocated from the GSA to attorneys' fees, litigation costs, enhancement(s), administration costs, and PAGA penalties (including to the LWDA and to Aggrieved Employees).

The Proposed Amended Order has been amended accordingly.

(Supp. Han Decl., *supra*, at ¶ 32.)

(21) Counsel should not leave blank but should instead propose a realistic Final Approval hearing date, taking into account the deadlines associated with mailing and remailing the notice and responses thereto and the documentation required to support final approval (including but not limited to time records or a summary of time spent by Class Counsel so as to enable the Court to evaluate the lodestar and attorneys' fee request; detailed litigation cost breakdowns; an Administrator declaration and invoice; and Plaintiff's declaration to support the enhancement request). The Court usually sets these hearings at least 4 months after preliminary approval. All supporting papers must also be filed at least sixteen (16) court days before the Final Approval hearing date.

The Proposed Amended Order has been amended accordingly.

(Supp. Han Decl., *supra*, at ¶ 33.)

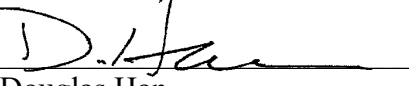
(22) The proposed order should specify the Court's continuing jurisdiction pursuant to both California Code of Civil Procedure section 664.6 and California Rules of Court, rule 3.769(h).

The Proposed Amended Order has been amended accordingly.

(Supp. Han Decl., *supra*, at ¶ 34.)

Dated: December 12, 2025

JUSTICE LAW CORPORATION

By: 

Douglas Han

Attorneys for Plaintiff

**PROOF OF SERVICE
1013A(3) CCP**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 751 N. Fair Oaks Avenue, Suite 101, Pasadena, CA 91103 and my electronic service address is ccastro@justicelawcorp.com

On December 12, 2025, I served the foregoing document described as

**SUPPLEMENTAL BRIEF IN SUPPORT OF PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

for the following case: **Heath v. Rainbow Home Care Services, Inc.**
LWDA/Court Case No.: **LWDA Case No.: CM- 1050060-24**
Court Case No.: 30-2024-01444583-CU-OE-CXC
Orange County Superior Court

on interested parties in this action by electronically submitting as follows:

State of California
Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

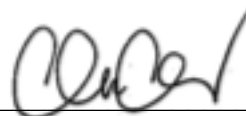
[X] BY ELECTRONIC SUBMISSION

Pursuant to California Senate Bill No. 836, I caused the documents described above to be electronically submitted by and through the procedure stated on the website of the State of California Labor and Workforce Development Agency.

[X] STATE

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

Executed on December 12, 2025, at Pasadena, California.



Christina Castro