

LIDMAN LAW, APC
Scott M. Lidman (SBN 199433)
slidman@lidmanlaw.com
Milan Moore (SBN 308095)
mmoore@lidmanlaw.com
Tiara Gose-Hardy (SBN 323823)
tgose@lidmanlaw.com
2155 Campus Drive, Suite 150
El Segundo, California 90245
Tel: (424) 322-4772
Fax: (424) 322-4775

Attorneys for Plaintiff
HECTOR GARCIA

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiff
HECTOR GARCIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

HECTOR GARCIA, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

FORGIATO INC., a California corporation;
and DOES 1 through 100, inclusive,

Defendants.

Case No.: 24STCV31730

*[Assigned for all purposes to the Hon. Elaine Lu,
Dept. SSC-9]*

**PLAINTIFF'S FURTHER SUPPLEMENTAL
BRIEF IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Non-Appearence Case Review

Date: July 17, 2026

Time: 8:30 a.m.

Dept.: SSC-9

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

2 Plaintiff Hector Garcia (“Plaintiff”), individually and on behalf of a class of similarly situated
3 individuals, hereby submits this Further Supplemental Brief in Support of Plaintiff’s Motion for
4 Preliminary Approval of Class Action Settlement (the “Motion”).

5 **I. PROCEDURAL HISTORY**

6 Plaintiff filed his Motion for Preliminary Approval of Class Action Settlement on March 20,
7 2026, with the hearing being held on May 21, 2026. Supplemental Declaration of Tiara Gose-Hardy
8 (“Supp. Gose-Hardy Decl.”), ¶ 2.

9 On May 11, 2026, the Court issued a Minute Order detailing an issue that needs to be addressed
10 in subsequent briefing. Supp. Gose-Hardy Decl., ¶ 3. On May 14, 2026, Plaintiff filed a Supplemental
11 Brief addressing the issue. *Id.*

12 On May 22, 2026, the Court issued a Nunc Pro Tunc Order continuing the hearing on Plaintiff’s
13 Motion for Preliminary Approval of Class Action Settlement and ordering the Parties to verify the
14 workweek total and address whether the escalator clause was triggered and, if so, confirm the end date
15 of the Class and PAGA Periods. *See* Supp. Gose-Hardy Decl., ¶ 4. In connection with addressing the
16 issue identified by the Court, the Parties have agreed to the terms of a Second Amended Class Action
17 and PAGA Settlement Agreement (“Settlement Agreement”) and revised Class Notice. The following
18 documents are being submitted concurrently herewith as Exhibits to the Supp. Gose-Hardy Decl. as
19 follows:

20 Attached as **Exhibit 1** to the Supp. Gose-Hardy Decl. is the fully executed Second Amended
21 Class Action and PAGA Settlement Agreement, including the Court Approved Notice of Class Action
22 and PAGA Settlement, and Hearing Date for Final Court Approval.

23 Attached as **Exhibit 2** to the Supp. Gose-Hardy Decl. the redlined version of the Second
24 Amended Class Action and PAGA Settlement Agreement, including the Class Notice.

25 Attached as **Exhibit 3** to the Supp. Gose-Hardy Decl. is the proof of submission to the LWDA
26 of the Second Amended Class Action and PAGA Settlement Agreement, including the Class Notice.

27 Plaintiff hereby submits the instant supplemental brief (and accompanying declarations) to
28 address the issue identified by the Court.

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A. Escalator Clause and The End of the Class and PAGA Periods

In the May 22, 2026 Nunc Pro Tunc Order, the Court orders the Parties to (a) review and verify the workweek total, (b) confirm the end date of the Class Period and PAGA Period, and (c) revise the Class Period and PAGA Period definitions as needed.

On June 29, 2026, the settlement administrator received the Class Data provided by Defendant. Declaration of Taylor Mitzner of Phoenix Settlement Administrators in Support of Plaintiff’s Motion for Preliminary Approval (“Mitzner Decl.”), ¶ 3. For the Class Period of December 2, 2020 through May 21, 2026, there are 144 Class Members who worked total of 19,010 Workweeks. *Id.* at ¶ 4. For the PAGA Period (December 2, 2023 through May 21, 2026), 89 Aggrieved Employees worked a total of 6,829 Pay Periods. *Id.* at ¶ 5.

These totals do not trigger the Escalator Clause. The Class Period and PAGA Period end on May 21, 2026 and the Class Period and PAGA Period definitions in both the Settlement Agreement and Class Notice have been revised to reflect as much.

For the foregoing reason and the reasons discussed in Plaintiff's Motion, Plaintiff respectfully requests that the Court preliminarily approve the proposed Amended Class Action and PAGA Settlement Agreement, provisionally certify the Settlement Class, and enter the Proposed Order Granting Preliminary Approval of Class Action Settlement previously submitted to the Court.

By: Tiara Gose-Hardy
Tiara Gose-Hardy
Attorneys for Plaintiff
HECTOR GARCIA