

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 9

22STCV34521

UVALDO CHAVEZ, vs BORRMANN METAL CENTER

August 12, 2024

8:30 AM

Judge: Honorable Elaine Lu
Judicial Assistant: R. Arraiga
Courtroom Assistant: M. Tavakoli

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Non-Appearance Case Review Re: Filing and Serving of Supplemental Papers to Unconditionally Grant the Motion for Preliminary Approval;

Pursuant to the Court's Minute Order and Final Ruling dated 07/18/2024, the Parties' Motion for Preliminary of Class Action Settlement was GRANTED CONTINGENT on the parties addressing the following:

1. Escalator: Paragraph III.A.2 of the Settlement Agreement provides that "In regard hereto, Defendants will provide a declaration under penalty of perjury confirming the number of applicable Class Members and workweeks they worked during the applicable Class Period one week prior to Plaintiff's deadline to file their motion for preliminary approval of the settlement." Defendant should provide a declaration confirming the class size and workweeks in accordance with the terms of this section.

The Court has received and reviewed the Supplemental Declaration of Jean-Claude, Esq. in Support of Motion for Preliminary Approval of Class and PAGA Settlement filed on 07/16/2024 and the Declaration of Ariel Kumpinsky in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement filed on 07/18/2024.

The Court notes that the Declaration of Ariel Kumpinsky in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement filed on 07/18/2024 indicates that there were 22,581 weeks worked by the 213 putative class members during the Applicable (class) Period. Paragraph III.A.2 of the Settlement Agreement provides that "If there is a more than 10% increase in the number of weeks worked by the Settlement Class Members during the Class Period above (more than 25,169 workweeks), it will trigger an escalator provision where the Gross Settlement Amount shall increase by 1% for every 1% increase in workweeks over the 10% threshold." Because the actual number of workweeks according to Kumpinsky's declaration -- 22,581 -- is less than the 10% threshold (25,169), it appears that the escalator has not been triggered.

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The Court finds that the parties have satisfied all conditions therefore the Parties' Motion for Preliminary of Class Action Settlement is now **UNCONDITIONALLY GRANTED**.

The Parties' Motion for Final Approval of Class Action Settlement must be filed by **02/11/2025**. Plaintiff must call the Court **PRIOR** to filing and serving to obtain a hearing date.

The Parties' Motion for Final Approval of Class Action Settlement **MUST** include a concurrently lodged [Proposed] Order and Judgment containing among other things, the class definition, full release language, and names of the any class members who opted out.

If the motion is **NOT** filed and served by said date subsequently an Order to Show Cause Re: Sanctions hearing may be set.

A Non-Appearance Case Review Re: Filing and Serving of Motion for Final Approval is scheduled for 02/19/2025 at 08:30 AM in Department 9 at Spring Street Courthouse.

The Judicial Assistant to give notice to Counsel for Plaintiff who is ordered to give further and formal notice to all parties.

Clerk's Certificate of Service By Electronic Service is attached.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp FILED Superior Court of California County of Los Angeles 08/12/2024 David W. Slayton, Executive Officer / Clerk of Court By: <u>R. Arraiga</u> Deputy
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		
PLAINTIFF: Uvaldo Chavez		
DEFENDANT: Borrmann Metal Center, et al.		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: 22STCV34521

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Minute Order entered herein, on 08/12/2024, upon each party or counsel of record in the above entitled action, by electronically serving the document(s) on Case Anywhere at www.caseanywhere.com on 08/12/2024 from my place of business, Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012 in accordance with standard court practices.

David W. Slayton, Executive Officer / Clerk of Court

Dated: 08/12/2024

By: R. Arraiga
Deputy Clerk