

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 9

21STCV31612

**MARISELA MEZA, et al. vs ARGUS MANAGEMENT
COMPANY, LLC, et al.**

November 21, 2023

10:00 AM

Judge: Honorable Yvette M. Palazuelos
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: Hearing on Motion for Preliminary Approval of Settlement;

The matter is NOT called for hearing.

The Court's tentative Rulings/Orders was issued and served on the parties via Case Anywhere on 11/17/2023.

The parties submitted to the Court's tentative Rulings/Orders via the Case Anywhere message board on 11/17/2023.

The Court now adopts its tentative RULINGS/ORDERS RE: MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT as the final order of the court. Said ruling is signed and filed this date and is incorporated into the case file.

The Court's ruling is as follows:

The Plaintiff's Motion for Preliminary Approval of Class Action Settlement filed by Marisela Meza on 09/25/2023 is Granted. The motion is **GRANTED** as the settlement is fair, adequate, and reasonable, on the **condition** that counsel provide a revised Notice as follows:

The draft Notice currently attached to the Settlement Agreement is incomplete, with missing key terms and blank spaces left over from the Court's model form. All key terms and amounts should be completed to the fullest extent possible for the Court's review and must be consistent with the agreement. For example, the following should be completed: (a) the case name and number at the heading; (b) the settlement deduction amounts at section 3.2; (c) the correct Court department number at section 8; (d) the website URLs at sections 7 and 8; (e) class counsel and the administrator's contact information at section 9; and more. The footnote on the last page should also be deleted. Carefully review and re-file the Notice form for Court approval.

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The supplemental paperwork must be filed and served by **12/05/2023**. If the supplemental paperwork is **NOT** filed and served by said date subsequently an Order to Show Cause Re: Sanctions hearing will be set.

A Non-Appearance Case Review Re: Filing and Serving of Supplemental Paperwork to Unconditionally Grant the Motion for Preliminary Approval is scheduled for 12/12/2023 at 08:30 AM in Department 9 at Spring Street Courthouse.

The essential terms are:

A. The Gross Settlement Amount (“GSA”) is \$1,750,000. [Escalator Clause: Defendant estimates that there are 1,956 Class Members and 203,649 Total Workweeks during the Class period. (§8.1) The GSA was based on Defendant’s records produced at the time of mediation. If the number of number of Workweeks during the Class Period exceeds 203,649 by more than ten percent (10%), the GSA shall be increased on a pro rata basis per Workweek exceeding the 10% increase (i.e., if the number increases by 11%, the Gross Settlement Amount shall be increased by 1%). (§8.2)]

B. The Net Settlement Amount is the GSA minus the following:

Up to \$583,333.33 (33 1/3%) for attorney fees (§3.2.2);

Up to \$25,000 for litigation costs (Ibid.);

Up to \$10,000 for a Service Payment to the Named Plaintiff (§3.2.1);

Up to \$20,000 for settlement administration costs (§3.2.3); and

\$50,000 PAGA Penalty (75% or \$37,500 to the LWDA, 25% or \$12,500 to Aggrieved Employees). (§3.2.5)

C. Employer share of the payroll taxes on the taxable portion of the settlement payments shall be paid separately from the GSA by Defendant.

D. Plaintiffs release of Defendants from claims described herein.

The Parties’ Motion for Final Approval of Class Action Settlement must be filed by **05/28/2024**. The parties are ordered to contact the Clerk in Department 9 to obtain a hearing date **PRIOR** to filing their motion.

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The Parties' Motion for Final Approval of Class Action Settlement **must** include a concurrently lodged [Proposed] Judgment containing among other things, the class definition, full release language, and names of the any class members who opted out; and the parties **must** email the [Proposed] Judgment in Word format to Dept. 9 staff at sscdept9@lacourt.org.

If the motion and the [Proposed] Judgment are **NOT** filed/lodged by said date subsequently an Order to Show Cause Re: Sanctions hearing will be set.

A Non-Appearance Case Review Re: Filing and Serving of Motion for Final Approval is scheduled for 06/04/2024 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.

