TENTATIVE RULINGS

JUDGE RANDALL J. SHERMAN

DEPARTMENT CX105

OCTOBER 11, 2024

Appearances, whether remote or in person, must be in compliance with Code of Civil Procedure §367.75, California Rules of Court, Rule 3.672, and Superior Court of California, County of Orange, Appearance Procedure and Information, Civil Unlimited and Complex, located at https://www.occourts.org/media-relations/covid/Civil_Unlimited_and_Complex_Appearance_Procedure_and_Information.pdf. Unless the court orders otherwise, remote appearances will be conducted via Zoom through the court's online check-in process, available at https://www.occourts.org/media-relations/civil.html. Information, instructions and procedures to appear remotely are also available at https://www.occourts.org/media-relations/aci.html. Once online check-in is completed, counsel and self-represented parties will be prompted to join the courtroom's Zoom hearing session. Participants will initially be directed to a virtual waiting room while the clerk provides access to the video hearing.

Court reporters will not be provided for motions or any other hearings. If a party desires a court reporter for a motion, it will be the responsibility of that party to provide its own court reporter. Parties must comply with the court's policy on the use of pro tempore court reporters, which can be found on the court's website at www.occourts.org/media/pdf/Privately_Retained_Court_Reporter_Policy.pdf.

If you intend to submit on the tentative ruling, please advise the other parties and the court by calling (657) 622-5305 by 9:00 a.m. on the hearing date. Make sure the other parties submit as well before you forgo appearing, because the court may change the ruling based on oral argument. Do not call the clerk about a tentative ruling with questions you want relayed to the court. Such a question may be an improper ex parte communication.

#	Case Name & No.	Tentative Ruling
1	**Chavez vs. Pete's Road Service, Inc. 2019-01112982**	The tentative ruling is to continue the Final Report Hearing yet again, to January 24, 2025 at 10:00 a.m., to impose $250 in monetary sanctions against plaintiffs' counsel, Sullivan Employment Law P.C., payable to the court within 30 days, and to set another Order to Show Cause for the same date, time and place why the court should not impose monetary sanctions against the Administrator, CPT Group, Inc. and/or plaintiffs' counsel. Plaintiffs have not filed any documents whatsoever in response to the court's OSC set on June 21, 2024. To repeat what the court noted in its prior ruling: In granting final approval of the settlement, the court approved the payment of $6,481.77 for the employer's share of payroll taxes on the settlement payments, as requested. However, the administrator's report filed on June 14, 2024 says that it paid state taxes in the amount of $4,452.29 and federal taxes in the amount of $17,855.37, for a total of $22,307.66, far more than the approved amount. The court awarded plaintiffs' counsel

		attorneys' fees in the amount of 1/3 of the $900,000 gross settlement amount minus the $6,481.77 deduction for the employer's share of payroll taxes, which the court does not consider to be part of the common fund on which plaintiffs' attorneys' fees should be calculated. If the court had known the actual amount of the employer's share of payroll taxes, it would have awarded $5,275.30 less in attorneys' fees. At least a week before the hearing, plaintiffs must submit an explanation of why this overpayment was made, and any response to the OSC re sanctions must be filed at least a week before the hearing. The clerk is directed to serve notice of the ruling.
2	**Wysocki vs. United Rock Products Corp. Div. Sully-Miller Contracting Co. 2023-01320278**	The unopposed motion of Jonathan Melmed of Melmed Law Group, Inc. to be relieved as counsel of record for plaintiff Daniel Wysocki is granted. Moving counsel has complied with the requirements of CRC Rule 3.1362. The Order will be effective upon the filing of a proof of service showing service of a signed Order on the client. Plaintiff may not represent himself in connection with his class claims or his PAGA cause of action and will have to obtain counsel if he wishes to proceed with those claims. The Motion To Be Relieved As Counsel set for January 3, 2025 is duplicative and is ordered off calendar. Moving counsel is ordered to give notice of the ruling.
3	**Lundin vs. Anaheim Transportation Network 2021-01204870**	Plaintiffs' Motion for Preliminary Approval of Class Action Settlement is granted, except that in the new Request for Exclusion From Class Action Settlement Form, counsel must change the heading which reads, "If you complete this form, you will not receive any money from this settlement and will not be a part of the class action settlement" to "If you complete this form, you will not receive any money from the class action portion of this settlement and will not be a part of the class action portion of this settlement". In addition, the sentence below the heading must be changed from, "By signing and returning this form, I confirm that I do not want to be included in the Settlement of the class action lawsuit referenced above" to "By signing and returning this form, I confirm that I do not want to be included in the Settlement of the class action portion of the lawsuit referenced above". A Final Approval Hearing is set for February 7, 2025 at 10:00 a.m. All papers in support of the Final Approval Hearing, including detailed hourly breakdowns of plaintiffs' attorneys to support a lodestar cross-check, detailed plaintiff attorney cost breakdowns, an Administrator declaration and invoice, and plaintiffs' declarations to support the enhancement requests, must be filed at least 16 calendar days before the Final Approval Hearing date, to provide enough time for court review, and must be

		served in compliance with CCP notice of motion requirements. Plaintiffs are ordered to give notice of the ruling to the LWDA and to defendant.
4	**Caldera vs. Zeb's World Famous Boathouse Inc. 2023-01310801**	Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement is granted. A Final Approval Hearing is set for February 7, 2025 at 10:00 a.m. All papers in support of the Final Approval Hearing, including detailed hourly breakdowns of plaintiff's attorneys to support a lodestar cross-check, detailed plaintiff attorney cost breakdowns, an Administrator declaration and invoice, and plaintiff's declaration to support the enhancement request, must be filed at least 16 calendar days before the Final Approval Hearing date, to provide enough time for court review, and must be served in compliance with CCP notice of motion requirements. Plaintiff is ordered to give notice of the ruling to the LWDA and to defendant.
5	**Lundin vs. Goldman 2022-01290254**	Defendants David Goldman and Melanie Goldman's Motion to Seal Testimony and Portions of Memorandum of Points and Authorities in Support of Motion for Protective Order is continued to January 24, 2025 by Stipulation and Order. The Status Conference is advanced to 9:00 a.m.
6	**Stater Bros. Wage and Hour Cases JCCP 5330**	Petitioner Perla Morales' Petition for Coordination is denied. Plaintiff Wafa Mowannes' Request for Judicial Notice is granted. The criteria set forth in CCP §404.1 and CRC Rule 3.530(b) weigh against coordination. Morales' Petition for Coordination is based on the argument that her action, Morales v. Stater Bros. Markets, OCSC Case No. 30-2024-01375624, was filed before plaintiff Wafa Mowannes filed her PAGA action, Mowannes v. Stater Bros. Markets, LASC Case No. 24AHCV00404. However, Morales failed to inform this court that Mowannes filed an earlier Class Action case, Mowannes v. Stater Bros. Markets, in San Bernardino County, Case No. CIVSB2332884, before Morales filed her Orange County lawsuit. Further, defendant Stater Bros. Markets and plaintiff Mowannes explain that they have reached a settlement in the Mowannes Class Action, and that a Motion for Preliminary Approval will soon be filed. The Orange County case filed by Morales has not been settled, and most of its class claims, which are all raised in the Mowannes Class Action, will presumably be released by virtue of the settlement in the San Bernardino case. Thus, one judge hearing both of the included actions (or all three of the pending actions against Stater Bros.) will not promote the ends of justice, taking into account the relative development of the actions, the efficient utilization

		of judicial facilities and manpower, the calendar of the courts, the likelihood of settlement of the actions without further litigation should coordination be denied, and, pursuant to CRC Rule 3.530(b)(2), whether the litigation is at an advanced stage in a particular court. Moreover, consistent with CRC Rule 3.530(b)(6), defendant has shown that its principal place of business is in San Bernardino County, and that San Bernardino County is where most of defendant's employees reside and work. Thus, coordination does not serve the ends of justice and is denied. Petitioner Perla Morales is ordered to give notice of the ruling and to comply with CRC Rule 3.529(a).
7	**Frisbie vs. Alo, LLC 2024-01374172**	
8	**Long Beach Memorial Medical Center vs. Kaiser Foundation Health Plan, Inc. 2019-01108860**	
9	**Semprini vs. Wedbush Securities Inc. 2015-00776114**	
10	**Mincey vs. One Nevada Credit Union 2023-01334252**	
11	**Vaughen vs. Newport Financial Group, Inc. 2020-01152672**	Off calendar by Stipulation and Order.