

		<p>Plaintiff to give notice of this Court's ruling, including to the LWDA, within five (5) calendar days, and file proof of service.</p> <p>The Court does not require any physical or remote appearance at the hearing scheduled for January 5, 2024.</p> <p>Please inform the clerk by emailing her before 12:00 p.m. on the day of the hearing at CX103@occourts.org if both parties intend to submit on the tentative.</p> <p>The Status Conference is Continued to March 15, 2024.</p>
11	<p><b>2021-01212242</b></p> <p><b>Rojas vs. Roofing Standards, Inc.</b></p>	<p><b>1. Motion for Preliminary Approval of Class Settlement</b>  <b>2. Order to Show Cause re: Monetary Sanctions</b></p> <p><b><u>RULING:</u></b></p> <p>This is a putative class action and PAGA matter involving alleged violations of wage-and-hour laws. This is the fifth hearing on the Motion for Preliminary Approval of Class Action and PAGA Settlement.</p> <p>The Court has reviewed the supplemental materials submitted by counsel and finds that they address the identified concerns. Accordingly, the Motion for Preliminary Approval is <b>GRANTED</b>.</p> <p>The Motion for Final Approval is set for March 22, 2024, at 1:30 p.m. in Department CX103.</p> <p>All papers for the Motion for Final Approval are due no later than fourteen (14) calendar days prior to the hearing date. At the Final Approval hearing, evidence of attorneys' fees and actual litigation costs should be presented in the form of time records, or a summary of time spent on the substantive tasks, to enable the Court to evaluate the lodestar and costs claimed. Counsel should state by declaration whether time records were kept and created contemporaneously or otherwise.</p> <p>Plaintiffs to give notice of this ruling, including to the LWDA, and file proof of service within five (5) court days of entry of the Order granting preliminary approval.</p> <p><b><u>OSC re SANCTIONS:</u></b></p> <p>In its October 27, 2023 Minute Order, the Court stated that if counsel successfully complied with the issues requiring correction as to the Motion for Preliminary Approval, the OSC would "go off calendar." (ROA 79.)</p> <p>Counsel has successfully complied with the Court's Order by addressing the remaining issues with the motion. Accordingly, the OSC re Sanctions is <b>off calendar</b>.</p>

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12	<p><b>2021-01207569</b></p> <p><b>Ascencio vs. Toshiba America Business Solutions, Inc.</b></p>	<p><b>Motion for PAGA Approval</b></p> <p>On September 19, 2023, the parties filed the current Joint Motion for Approval of PAGA Settlement. (ROA 128.) The PAGA claim is based on Defendant’s alleged failure to provide accurate itemized wage statements. This is the first hearing on the matter.</p> <p><b>SUMMARY OF SETTLEMENT AND SETTLEMENT ISSUES:</b></p> <p>The fully executed PAGA Settlement Agreement is attached as Exhibit A to the Declaration of Zoe Yuzna. (ROA 126.)</p> <ol style="list-style-type: none"> <li>1. Aggrieved Employees Definition: “All employees who worked for Toshiba in California during the PAGA Period and who received one or more wage statements during the PAGA Period.” [Settlement, ¶ 1.4.]</li> <li>2. PAGA Period: “The period from June 24, 2020 through July 28, 2021.” [Id., ¶ 1.19.]</li> <li>3. Number of Aggrieved Employees: 419 employees who worked a total of 11,893 PAGA Pay Periods. [Id., ¶ 4.1.]</li> <li>4. Gross Settlement Amount: \$100,000.00 [Id., ¶ 3.1.]</li> <li>5. Net Settlement Amount: \$49,027.30 (PAGA Penalties), with 75% (\$26,770.48) to the LWDA and 25% (\$12,256.92) to the Aggrieved Employees. [Id., ¶ 3.2.3.]</li> <li>6. PAGA Released Claims: Aggrieved Employees release with prejudice the Released Parties from any and all claims arising under PAGA that could have been made based on the allegations in the FAC or the PAGA Notice for any violation of Labor Code sections 226 and 226.3. [Id., ¶ 5.2.]</li> <li>7. Plaintiff’s Release: Plaintiff releases with prejudice the Released Parties “from all claims, transactions, or occurrences arising out of her employment with Toshiba, including but not limited to all claims that were, or reasonably could have been, alleged, based on the facts contained in the Operative Complaint and the PAGA Notice.” Release does not extend to any claims or action to enforce Settlement Agreement, or to claims for vested benefits, unemployment benefits, disability benefits, Social Security benefits, or workers’ compensation benefits. Release include Section 1542 waiver. [Id., ¶ 5.1.]</li> </ol> <p>PAGA Counsel releases with prejudice the Released Parties from all claims for PAGA fees incurred in connection with the FAC and the PAGA Period facts stated in the FAC and the PAGA Notice. [Id., ¶ 5.3.]</p>