

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 9

22STCV19286

CHRISTOPHER ALCENDOR, vs ALPHA EXPRESS LLC

August 6, 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 of Supplemental Papers to Unconditionally Grant the Motion for Preliminary Approval;

Pursuant to the Court's Minute Order and Final Rulings/Orders dated 06/18/2024, Plaintiffs' Motion for Preliminary Approval of Class Action Settlement was GRANTED CONTINGENT on counsel adequately addressing the following items:

1. Counsel must provide further information as to the summary of the investigation and discovery conducted, including the specific documents reviewed prior to agreeing to settle the case. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1802, as modified Sept. 30, 1996 (*Dunk*)). If counsel's analysis was informed by a data sample, Counsel must show that the sample is statistically reliable. Mr. Han's Declaration at paragraphs 15 and 16 does not provide sufficient detail as to the discovery conducted and information reviewed.
2. Counsel must resolve the escalator and potential shortening of the Class Period by Defendant before the Court will grant preliminary approval. (Settlement Agreement, ¶¶ A.12, A.32, and H.) The parties must determine the Class (¶A.12) and PAGA Periods (¶A.32) with certainty before the Court will grant approval. The parties must file supplemental papers indicating whether the escalator has been triggered based on the number of work weeks, and if so, whether Defendant has opted for (1) the Gross Settlement Amount to increase proportionally over the ten percent (10%) increase (i.e., to increase the Gross Settlement Amount by 1% if the number of Workweeks increases by 11%); or (2) for the Class Period to end as of the date the Workweeks within the Class Period reach 12,362 Workweeks. (¶H.) The notice to class members must also be amended to give proper notice, consistent with Defendant's election.

The Court has received and reviewed the Supplemental Declaration of Douglas Han filed and served on 07/29/2024.

The Court finds that the parties have satisfied all conditions. Therefore, Plaintiffs' Motion for

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Preliminary of Class Action Settlement is **unconditionally GRANTED**.

The Parties' Motion for Final Approval of Class Action Settlement must be filed by **02/06/2025**. 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-Appearence Case Review Re: Filing and Serving of Motion for Final Approval is scheduled for 02/13/2025 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.