

Electronically Received 06/20/2023 12:00 AM

1 Kane Moon (SBN 249834)
kane.moon@moonyanglaw.com
2 Allen Feghali (SBN 301080)
Allen.feghali@moonyanglaw.com
3 Charlotte Mikat-Stevens (SBN 327047)
Charlotte.mikat-stevens@moonyanglaw.com

4 **MOON & YANG, APC**
1055 W. Seventh St., Suite 1880
5 Los Angeles, California 90017
Telephone: (213) 232-3128
6 Facsimile: (213) 232-3125

7 Attorneys for Plaintiff Luis A. Morales Gomez

8 John K. Rubiner (SBN 155208)
jrubiner@fmglaw.com
9 Mary K. Planchet (SBN 341006)
mary.planchet@fmglaw.com

10 **FREEMAN MATHIS & GARY, LLP**
550 S. Hope Street, Suite 2200
11 Los Angeles, California 90071-2631
Telephone: (213) 615-7000
12 Facsimile: (213) 615-7100

13 Attorneys for Defendant Arya Ice Cream Distributing Co.,
14 Inc.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 LUIS A. MORALES GOMEZ, individually, and
18 on behalf of all others similarly situated,

19 Plaintiff,

20 vs.

21
22 ARYA ICE CREAM DISTRIBUTING CO.,
23 INC., a California corporation; and DOES 1
through 10, inclusive,

24 Defendants.

Case No.: 21STCV31170

[Assigned to Hon. Carolyn B. Kuhl, Dept. 12]

JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER CONTINUING
HEARING ON FINAL CLASS
APPROVAL

Final Approval Hearing:

Date: August 15, 2023

Time: 10:30 a.m.

Dept.: SSC-12

Complaint filed: August 20, 2021

Trial date: Not set

FILED
Superior Court of California
County of Los Angeles

06/30/2023

David W. Slayton, Executive Officer / Clerk of Court

By: L. MGreené Deputy

1 Plaintiff LUIS A. MORALES GOMEZ (“Plaintiff”), on behalf of himself and all others
2 similarly situated, and Defendant ARYA ICE CREAM DISTRIBUTING CO., INC.
3 (“Defendant”) (collectively, the “Parties”), through their counsel of record, hereby stipulate
4 that the final approval hearing currently scheduled for August 15, 2023, at 10:30 a.m., be
5 continued to November 1, 2023, at 10:30 a.m., or to a date thereafter that is convenient for the
6 Court to proceed with the settlement in the above captioned matter (“Litigation”) following the
7 Parties’ settlement of the case at mediation on October 13, 2022 (“Settlement Agreement”).

8 The reasons for the stipulation are as follows:

9 WHEREAS, Plaintiff and Defendant entered into the Settlement Agreement to settle the
10 Litigation.

11 WHEREAS, on or about January 4, 2023, Plaintiff filed a Motion for Preliminary
12 Approval of Class and PAGA Representative Action Settlement (“Preliminary Approval
13 Motion”).

14 WHEREAS, on or about March 13, 2023, the Court granted the Preliminary Approval
15 Motion. The Court thereafter set a hearing for the Motion for Final Approval of Settlement of
16 the Class Action Settlement for August 15, 2023, at 10:30 a.m.

17 WHEREAS, following the March 13, 2023, hearing, Defendant submitted class data to
18 the Settlement Administrator. The Settlement Administrator thereafter calculated workweeks
19 and other information from the data. Subsequently, Defendant noted errors in the data submitted.
20 Specifically, Defendant identified employees who were included within the class that were
21 exempt and thus should not have been included in the class. Defendant further identified
22 employees who were not identified as class members that should have been included in the
23 class. Further, Defendant identified employees who were exempt for part of the class period and
24 thus should have been included as class members for only part of the class period.

25 WHEREAS, Defendant further noted discrepancies in the Settlement Administrator’s
26 calculations following submission of the revised data to the Settlement Administrator. The

1 Parties and Settlement Administrator met and conferred to resolve these issues. The Parties have
2 now resolved these issues.

3 WHEREAS, the Parties agree that the Final Approval Hearing should be continued to
4 November 1, 2023, or to a date thereafter that is convenient for the Court's calendar, so the
5 Settlement Administrator can reissue proper notices to the class members and ensure that all
6 employees who are class members receive notices.

7 IT IS THEREFORE STIPULATED, subject to Court approval, that

8 1. The hearing for the Motion for Final Approval of Settlement of the Class Action
9 Settlement scheduled for August 15, 2023, at 10:30 a.m., be vacated.

10 2. The Court reset the hearing for the Motion for Final Approval of Settlement of the
11 Class Action Settlement for November 1, 2023, at 10:30 a.m., or to a date thereafter that is
12 convenient for the Court's calendar.

13 Respectfully submitted,

14 Dated: June 19, 2023

MOON & YANG, APC

15
16 By: _____


Kane Moon
Allen Feghali
Charlotte Mikat-Stevens

17
18 Attorneys for Plaintiff Luis A. Morales Gomez

19
20 Dated: June 19, 2023

FREEMAN MATHIS & GARY, LLP

21
22 By: _____


John K. Rubiner
Mary K. Planchet

23
24 Attorneys for Defendant Arya Ice Cream
25 Distributing Co., Inc.

1 ~~PROPOSED~~ ORDER

2
3 Having read and considered the JOINT STIPULATION AND [PROPOSED] ORDER
4 CONTINUING HEARING ON FINAL APPROVAL, and GOOD CAUSE APPEARING, it is
5 ORDERED as follows:


6 1. The hearing for the Motion for Final Approval of Settlement of the Class Action
7 Settlement set for August 15, 2023, at 10:30 a.m., is hereby vacated.

8 2. The hearing for the Motion for Final Approval of Settlement of the Class Action
9 Settlement is hereby rescheduled to 11/2/2023, 2023, at 10:30 a.m.

10 3. The parties shall ensure that the notice to the class states the new date for the Final Approval hearing.

11 **IT IS SO ORDERED.**

12 Dated: 06/30/2023
13


14 Honorable Carolyn B. Kuhl
15 JUDGE OF THE LOS ANGELES
16 SUPERIOR COURT
17
18
19
20
21
22
23
24
25
26
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE VIA CASEANYWHERE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 550 South Hope Street, 22nd Floor, Los Angeles, California 90071-2627.

On June 19, 2023, I served the within document(s) described as:

JOINT STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON FINAL CLASS APPROVAL

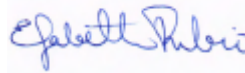
on the interested parties in this action as stated on the e-service list kept by Case Anywhere for the GOMEZ v ARYA ICE CREAM DISTRIBUTING, CO. Los Angeles Superior Court Case No.: 21STCV31170. A copy of the E-Filing Receipt will be maintained herewith.

BY ELECTRONIC MAIL Pursuant to Electronic Service Order Signed by the Court. I caused such document to be electronically served through Case Anywhere System.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 19, 2023, at Los Angeles, California.

ELIZABETH RUBIO
(Type or print name)


(Signature)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Branch Name: Spring Street Courthouse
Mailing Address: 312 North Spring Street
City, State and Zip Code: Los Angeles CA 90012

SHORT TITLE: LUIS A. MORALES GOMEZ vs ARYA ICE CREAM DISTRIBUTING CO., INC.

CASE NUMBER:
21STCV31170

NOTICE OF CONFIRMATION OF ELECTRONIC FILING

The Electronic Filing described by the below summary data was reviewed and accepted by the Superior Court of California, County of LOS ANGELES. In order to process the filing, the fee shown was assessed.

Electronic Filing Summary Data

Electronically Submitted By: Legal Connect
Reference Number: 7761113_2023_06_19_13_09_56_935_4
Submission Number: 23LA00910395
Court Received Date: 06/19/2023
Court Received Time: 1:11 pm
Case Number: 21STCV31170
Case Title: LUIS A. MORALES GOMEZ vs ARYA ICE CREAM DISTRIBUTING CO., INC.
Location: Spring Street Courthouse
Case Type: Civil Unlimited
Case Category: Other Employment Complaint Case
Jurisdictional Amount: Over \$25,000
Notice Generated Date: 06/20/2023
Notice Generated Time: 9:47 am

Documents Electronically Filed/Received

Status

Stipulation and Order (name extension) Accepted

Comments

Submitter's Comments:

Clerk's Comments:

Electronic Filing Service Provider Information

Service Provider: Legal Connect
Contact: Legal Connect
Phone: (800) 909-6859

Superior Court of California
County of Los Angeles

,

Receipt EFM-2023-6548546.1

Date: 6/20/23 9:47 AM

Time: 6/20/23 9:47 AM

CASE # 21STCV31170

LUIS A. MORALES GOMEZ vs ARYA ICE

Request, Notice Continuance or 20.00
Stip-GC 70617(c)(1-3)

Court Transaction Fee 2.25

Case Total: 22.25

Total Paid: 22.25

23LA00910395