

**LAW & MOTION CALENDAR
TENTATIVE RULINGS**

April 17, 2025

**Judge Melissa R. McCormick
Dept. CX104**

Department CX104 hears law and motion on Thursdays at 2:00 p.m.

Court reporters: Official court reporters typically are not provided in this department for any proceedings. If the parties desire the services of a court reporter, the parties should follow the procedures set forth on the court’s website at www.occourts.org.

Tentative rulings: The court endeavors to post tentative rulings on the court’s website by 9:00 a.m. the day of the hearing. Tentative rulings may not be posted in every case. Please do not call the department for tentative rulings if tentative rulings have not been posted.

Submitting on tentative rulings: If all parties intend to submit on the tentative ruling and do not desire oral argument, please advise the courtroom clerk or courtroom attendant by calling (657) 622-5304. Please do not call the department unless all parties submit on the tentative ruling. If all parties submit on the tentative ruling and so advise the court, the tentative ruling will become the court’s final ruling and the prevailing party shall give notice of the ruling.

Appearances and public access: Appearances, whether in person or remote, must comply with Civil Procedure Code section 367.75, California Rule of Court 3.672, Orange County Superior Court Local Rule 375, and Orange County Superior Court Appearance Procedure and Information—Civil Unlimited and Complex (pub. 9/9/22).

Unless the court orders otherwise, remote appearances will be conducted via Zoom. All counsel and self-represented parties appearing via Zoom must check in through the court’s civil remote appearance website before the hearing begins. Check-in instructions are available on the court’s website.

The public may attend hearings by coming to court or via remote access as described above.

Photographing, filming, recording and/or broadcasting court proceedings are prohibited unless authorized pursuant to California Rule of Court 1.150 or Orange County Superior Court Local Rule 180.

Non-appearances: If nobody appears for the hearing and the court has not been notified that all parties submit on the tentative ruling, the court shall determine whether the matter is taken off calendar or the tentative ruling becomes the final ruling. The court also might make a different order. See *Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442 n.1.

NO.	CASE NAME	MATTER
1	Anderson v. Western Pacific Med-Corp. 2023-01359989	<u>Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA Settlement</u> The court has reviewed and considered the papers filed in support of plaintiff’s motion for preliminary approval of a \$1,150,000 class action and PAGA settlement. The court has the following questions and comments 1. Were the motion papers served on the LWDA? The proofs of service filed with the court (ROA 39, 47) do not

include the LWDA. Plaintiff must file with the court a proof of service identifying the specific documents served on the LWDA, when plaintiff served the documents, and how service was effected.

As to the settlement:

2. The parties should provide plaintiff's anticipated total amount to be received (including for any individual claims and excluding any enhancement payment).
3. The parties should provide the high and low class payments, and the high, low and average PAGA payments.
4. The "PAGA Released Claims" provision is overbroad. Releases for aggrieved employees other than plaintiff should not release more than the civil penalties available under PAGA based on the facts alleged in the first amended complaint and the notice letter(s) to the LWDA.
5. The dispute procedure in the settlement, notice, and notice of estimated settlement award should be revised to state (i) the parties shall file with the court all disputes submitted by class members, the evidence submitted, and the resolution of the disputes, and (ii) although the settlement administrator may make the initial decision regarding claim disputes, the court may review any decision made by the settlement administrator regarding a claim dispute.
6. Plaintiff's counsel should submit evidence substantiating the amount of not-to-exceed litigation costs (e.g., itemized litigation costs incurred to date).
7. Absent unique circumstances, the court is unlikely to approve an enhancement payment in excess of \$5,000. If unique circumstances warrant the higher amount plaintiff seeks, plaintiff should submit a declaration and/or other information explaining those circumstances with the supplemental filings.
8. Plaintiff's brief states that plaintiff's enhancement payment is in part in exchange for plaintiff's general release of claims and section 1542 waiver. Brief (ROA 53) at 8:10. An enhancement award is not intended to serve as consideration for the release of additional claims, but rather to compensate class representatives for work done on behalf of the class, to make up for financial or reputational risk undertaken in bringing the action, and, in some circumstances, to recognize their willingness to act as a private attorney general. The court is unlikely to approve a settlement that provides an enhancement award in exchange for a general release.

		<p>9. Plaintiff’s counsel’s declaration states the gross settlement amount is \$345,000. Larsen Decl. (ROA 51) ¶ 18. The court assumes this is a typographical error.</p> <p>10. The settlement agreement states the settlement administrator seeks up to \$10,000 in administration costs. Settlement ¶ 9. The settlement administrator states the administration costs will not exceed \$9,000. Lawrence Decl. (ROA 49) ¶ 16 & Ex. B. The settlement agreement, notice and proposed order should be modified accordingly.</p> <p>11. Paragraph 17 of the settlement agreement should be revised to state that the prevailing party attorneys’ fees provision does not apply to unnamed class members or aggrieved employees.</p> <p>12. The parties (including defendant) should advise, in a declarations filed with the court, whether, after making reasonable inquiry, they are aware of any class, representative or other collective action in any court that asserts claims similar to those asserted in this action. If any such actions are known to exist, the declarations shall also state the name and case number of any such case and the procedural status of that case, and describe the impact of the settlement on that case.</p> <p><u>As to the notice:</u></p> <p>13. The notice should be revised consistent with the above.</p> <p>14. On page 2 of the notice, “Lawsuit” in the section entitled “Attorneys’ Fees and Costs” should be “Action.”</p> <p>15. The method(s) of submitting the exclusion form as stated in the notice should be consistent with the methods in the settlement agreement. In addition, the exclusion procedure in the notice should refer to the attached exclusion form.</p> <p>16. The court prefers that the notice be accompanied by a separate form to be completed by a class member wishing to object.</p> <p>17. The notice should advise the aggrieved employees that they are bound by the PAGA Released Claims even if they do not cash their settlement checks.</p> <p>18. Should the notice be translated into any language other than Spanish?</p> <p>19. The notice should state that the settlement administrator will post all key documents on its website, including the operative complaint, the PAGA notice letter(s) to the LWDA, the settlement agreement and any amendments, the class notice and any included forms, the orders granting preliminary and final approval, and the</p>
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		<p>judgment. The judgment should be posted for at least 180 days.</p> <p><u>As to the proposed order (ROA 43):</u></p> <p>20. The proposed order should be revised consistent with the above.</p> <p>21. In the first paragraph of the proposed order, the words "and PAGA" should be added after "Class" and before "Action."</p> <p>22. The second sentence in the first paragraph should be revised to state: "The court finds the settlement to be fair, adequate and reasonable, and in the best interests of the class members."</p> <p>23. The final approval hearing date in paragraph 15 should be corrected. In addition, the parties should propose a date for the final approval hearing and include it in paragraphs 15 and 19. The court holds final approval hearings on Thursdays at 2:00 p.m. The motion for final approval should be filed and served at least 16 court days before the final approval hearing.</p> <p>24. Paragraph 18 should be removed.</p> <p>25. The settlement agreement and any amendment(s) thereto and the class notice packet (in English, Spanish and any other languages) should be attached to the proposed order as exhibits.</p> <p>The hearing on plaintiff's motion for preliminary approval is continued to <u>August 21, 2025 at 2:00 p.m.</u> in Department CX104 to enable the parties to address and respond to the above issues. See <i>also</i> Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org). A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. If required, an amendment to the settlement agreement shall be submitted, rather than an "amended settlement agreement," to streamline the court's review of the documents. The parties shall provide redlined copies of any revised documents (e.g., revised settlement agreement, revised notice, revised proposed order).</p> <p>Plaintiff is ordered to give notice, including to the LWDA, and to file a proof of service. Plaintiff must also serve the LWDA with any supplemental brief and any amended documents, and file a proof of service.</p>
2	Benyard v. Navien, Inc. 2024-01429015	<p><u>Defendant Navien, Inc.'s Motion to Compel Arbitration</u></p> <p>Defendant Navien, Inc. moves for an order compelling arbitration of plaintiff Ian Benyard's individual claims and striking Benyard's class claims. Benyard filed a statement of</p>

		<p>non-opposition. ROA 46. Defendant’s motion is therefore granted.</p> <p>Benyard’s class claims are dismissed without prejudice. The superior court action is stayed pending completion of the arbitration. The initial case management conference scheduled for April 17, 2025 is vacated. An ADR Review hearing is scheduled for <u>November 6, 2025 at 9:00 a.m.</u> in Department CX104. The parties are ordered to file a joint status conference report at least five court days before the hearing.</p> <p>Defendant Navien, Inc. to give notice.</p> <p><u>Initial Case Management Conference</u></p> <p>The court has reviewed the parties’ joint status conference statement filed April 10, 2024 (ROA 48). In light of the court’s concurrent ruling on defendant Navien, Inc.’s motion to compel arbitration, the initial case management conference scheduled for April 17, 2025 at 2:00 p.m. in Department CX104 is vacated.</p> <p>Clerk to give notice.</p>
3	<p>Boone v. Sedgwick Claims Management Services, Inc.</p> <p>2022-01268269</p>	<p><u>Plaintiff’s Motion for Approval of PAGA Settlement</u></p> <p>The court has reviewed and considered the papers, including the supplemental papers, filed in support of plaintiff’s motion for approval of a \$45,000 PAGA settlement. The court has the following comment:</p> <ol style="list-style-type: none"> 1. In its November 22, 2024 order (ROA 176), the court stated that the notice should be revised to state the deadline for checks to be mailed. 11/22/24 Order (ROA 176) ¶ 2. The Third Amendment to the PAGA Settlement Agreement (Fourth Supp. Carney Decl. (ROA 182) Ex. 2) states in paragraph 4.4 that the settlement administrator will issue the Individual PAGA Payments “three weeks after the Proposed Notice is mailed,” but it states in paragraph 4.4.1 that “the Individual PAGA Payments will be issued on the 50th day after the original notice mailing.” The notice states (at p. 2) that the checks “will be mailed no later than fifty (50) days after the date this initial letter is mailed.” If the parties intend that the settlement administrator will mail the checks no later than 50 days after the administrator mails the initial letter, paragraph 4.4 of the Third Amendment should be revised (and paragraph 4.4.1 should be revised to state “no later than fifty (50) days” rather than “on the 50th day”). If the parties intend that the settlement administrator will mail the checks three weeks after the administrator mails the initial letter, paragraph 4.4.1 of the Third Amendment and the notice letter should be revised. <p>The hearing on plaintiff’s motion for approval is continued to <u>August 21, 2025 at 2:00 p.m.</u> in Department CX104 to permit</p>

		<p>the parties to address and respond to the above issues. See <i>also</i> Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org). A supplemental brief shall be filed at least 9 court days before the hearing and shall address as necessary each of the above points. If required, an amendment to the settlement agreement shall be submitted, rather than an “amended settlement agreement,” to streamline the court’s review of the documents. The parties shall provide redlined copies of any revised documents (e.g., revised settlement agreement, revised notice, revised proposed order).</p> <p>Plaintiff is ordered to give notice, including to the LWDA, and to file a proof of service. Plaintiff must also serve the LWDA with any supplemental brief and any amended settlement documents, and file a proof of service.</p>
4	<p>Clark, et al. v. Windsail Capital Group, LLC, et al.</p> <p>2021-01191735</p>	<p><u>Defendants Windsail Credit Fund, L.P., Windsail Capital Fund, L.P., Windsail Capital Group, LLC, Windsail GP, LLC, Crate Modular, Inc., Michael Rand and Matthew T. O’Rourke’s Motion to Seal</u></p> <p>Defendants Windsail Credit Fund, L.P., Windsail Capital Fund, L.P., Windsail Capital Group, LLC, Windsail GP, LLC, Crate Modular, Inc., Michael Rand and Matthew T. O’Rourke move to seal an exhibit lodged conditionally under seal in connection with plaintiff GrowthPoint Global Inc.’s motions to compel responses to a request for production and to special interrogatories. For the following reasons, defendants’ unopposed motion is granted.</p> <p>The sealed document rules in California Rules of Court 2.550 and 2.551 do not apply to “discovery motions and records filed or lodged in connection with discovery motions or proceedings.” Cal. R. Ct. 2.550(a)(3). The exhibit defendants seek to seal was lodged in connection with discovery motions, and defendants designated the document confidential pursuant to the parties’ Partial Stipulation and Protective Order (filed 11/14/22, ROA 1073). This showing is sufficient to grant defendants’ motion to seal.</p> <p>The following document is ordered sealed:</p> <ul style="list-style-type: none"> Exhibit 18 to the Supplemental Vu Declaration (ROA 2360) in support of Plaintiff GrowthPoint Global Inc.’s Motions to Compel Responses from Crate Modular, Inc. to Request for Production of Documents No. 91 and to Second Set of Special Interrogatories and from Windsail Entities to Fourth Set of Special Interrogatories. <p>Defendants to give notice.</p>
5	<p>Diaz, et al. v. Express Services, Inc., et al.</p> <p>2019-01049858</p>	<p><u>Plaintiffs’ Motion for Final Approval of Class Action and PAGA Settlement</u></p> <p>The court has reviewed and considered the papers, including the supplemental papers, filed in support of plaintiffs’ motion for</p>

		<p>final approval of a \$920,000 class action and PAGA settlement. Subject to plaintiffs’ submission of the documents identified below, the court grants the motion as follows:</p> <p>\$15,000.00 for plaintiffs’ enhancement awards (\$7,500 for each plaintiff);</p> <p>\$306,666.66 for attorneys’ fees;</p> <p>\$17,483.89 for litigation costs (see discussion below);</p> <p>\$9,250.00 for settlement administration fees and costs; and</p> <p>\$50,000.00 total PAGA penalties (\$37,500.00 to the LWDA).</p> <p>In its December 5, 2024 order (ROA 376), the court stated: “Aegis Law Firm, PC must submit invoices substantiating the mediation charges, the Berger Consulting Group charges, the Evidentia Consulting charges, the ‘administrative filing fee’ charges, and the courier charges. . . . The charges for parking, travel/mileage, postage and ‘cumulative copies, faxes, scans, postage’ should be removed. See Civ. Proc. Code § 1033.5(b).” 12/5/24 Order (ROA 376) ¶ 11. Exhibit 3 to the Supplemental Toscano Declaration (ROA 384) includes charges for parking (\$3.00), travel (\$16.52), postage (\$0.50) and a Berger Consulting Group charge (\$1,147.50) for which an invoice has not been submitted. The court has deducted these amounts from the requested litigation costs award.</p> <p>Plaintiffs are ordered to file and serve by <u>April 24, 2025</u> (i) a supplemental declaration from the settlement administrator executed in April 2025 addressing Item Nos. 2 and 3 in the December 5, 2024 order (ROA 376) (the Supplemental Pikus Declaration (Ex. 2 to ROA 380) is dated March 11, 2024); and (ii) a declaration from defendants addressing Item No. 4 as ordered in the court’s December 5, 2024 order (ROA 376).</p> <p>The final accounting hearing is scheduled for <u>April 16, 2026 at 9:00 a.m.</u> in Department CX104. Plaintiffs are ordered to file a final accounting report at least 9 court days before the final accounting hearing regarding the status of the settlement administration. The final report must include all information necessary for the court to determine the total amount actually paid to class members and any amounts tendered to the State Controller’s Office under the unclaimed property law.</p> <p>Plaintiffs are ordered to give notice, including to the LWDA, and to file a proof of service.</p>
6	<p>Gonzalez-Castanon v. Alpha Tile & Stone, Inc., et al.</p> <p>2024-01374472</p>	Off calendar.
7	<p>Ortega-Rabanales, et al. v. AKG Trading (USA), Inc., et al.</p>	Off calendar.

	2023-01367289	
8	<p>Lawson v. Executive Maintenance, Inc., et al.</p> <p>2019-01107756</p>	<p><u>Plaintiff David Lawson’s Motion to Enforce Order and for Sanctions</u></p> <p>Plaintiff David Lawson moves for an order compelling defendant Executive Maintenance, Inc. (EMI) to comply with the court’s October 16, 2024 order (ROA 65) directing EMI to produce the Class Members’ Data (as defined in plaintiff’s Statement Regarding Class Notice filed October 7, 2024 (ROA 637) to Class Counsel within 30 days of the court’s issuance of the October 16, 2024 order. For the following reasons, plaintiff’s motion is granted in part and denied in part.</p> <p>Civil Procedure Code section 128(a)(4) states: “Every court shall have the power to do all of the following: . . . (4) To compel obedience to its judgments, orders, and process, and to the orders of a judge out of court, in an action or proceeding pending therein.” Civ. Proc. Code § 128(a)(4).</p> <p>On October 16, 2024 the court ordered the parties to provide notice to the class members “in substantially the same manner as proposed in Plaintiff’s Statement Regarding Class Notice (ROA 637).” 10/16/24 Order (ROA 650). Paragraph 1 of plaintiff’s Statement Regarding Class Notice states: “Production of Class Members’ Data. Within thirty (30) days of the Court’s Order approving the content and dissemination of class notice, Defendant Executive Maintenance, Inc. (‘Defendant’) shall provide to Class Counsel the Class Members’ Data subject to the provisions of the Protective Order.” ROA 637 at ¶ 1 (bold in original). “Class Members’ Data” is defined in the same paragraph. <i>Id.</i></p> <p>As of November 20, 2024, when plaintiff filed the instant motion, EMI had not provided Class Counsel with the Class Members’ Data nor has EMI’s counsel responded to plaintiff’s counsel’s inquiry regarding the status of production. Schubert Decl. (ROA 692) ¶¶ 12-13 & Ex. 2. EMI did not file an opposition to the motion and thus has not provided any explanation for its failure to provide Class Counsel with the Class Members’ Data. EMI is ordered to comply with the court’s October 16, 2024 order by providing the Class Members’ Data to Class Counsel by <u>April 24, 2025</u>.</p> <p>Plaintiff seeks sanctions pursuant to Civil Procedure Code section 177.5, which states:</p> <p>“A judicial officer shall have the power to impose reasonable money sanctions, not to exceed fifteen hundred dollars (\$1,500), notwithstanding any other provision of law, payable to the court, for any violation of a lawful court order by a person, done without good cause or substantial justification. This power shall not apply to advocacy of counsel before the</p>

		<p>court. For the purposes of this section, the term 'person' includes a witness, a party, a party's attorney, or both.</p> <p>"Sanctions pursuant to this section shall not be imposed except on notice contained in a party's moving or responding papers; or on the court's own motion, after notice and opportunity to be heard. An order imposing sanctions shall be in writing and shall recite in detail the conduct or circumstances justifying the order."</p> <p>Civ. Proc. Code § 177.5.</p> <p>As stated above, EMI has not provided any justification for its failure to comply with the court's October 16, 2024 order that it produce the Class Members' Data to Class Counsel within 30 days of the order, much less good cause or substantial justification. EMI therefore is ordered to pay sanctions in the amount of \$1,500.00 to the court pursuant to section 177.5 by May 15, 2025.</p> <p>Plaintiff's requests for sanctions pursuant to Civil Procedure Code section 575.2 and California Rule of Court 2.30 are denied, as plaintiff has not demonstrated that either section 575.2 or rule 2.30 applies here.</p> <p>Plaintiff's requests for an order permitting plaintiff to inspect EMI's records to obtain the Class Members' Data and for issuance of Orders to Show Cause re Contempt ordering defendants Patricia May, William May and David Moltz to personally appear are denied.</p> <p>Plaintiff to give notice.</p>
9	<p>Mora v. Diamond ZB Staffing Services, LLC, et al.</p> <p>2019-01104920</p>	<p><u>Plaintiff Marisela Mora's Motion to Compel Deposition</u></p> <p>Plaintiff Marisela Mora moves to compel defendant Veronica G. Lake to appear for a fourth deposition. For the following reasons, plaintiff's motion is denied.</p> <p>Civil Procedure Code section 2025.610 states, in relevant part:</p> <p>"(a) Once any party has taken the deposition of any natural person, including that of a party to the action, neither the party who gave, nor any other party who has been served with a deposition notice pursuant to Section 2025.240 may take a subsequent deposition of that deponent.</p> <p>"(b) Notwithstanding subdivision (a), for good cause shown, the court may grant leave to take a subsequent deposition, and the parties, with the consent of any deponent who is not a party, may stipulate that a subsequent deposition be taken."</p> <p>Plaintiff named Lake as Doe 1 on August 2, 2023 (ROA 413), and served Lake with the summons and first amended complaint by substituted service on August 10, 2023 (ROA 431). Lake appeared in the action on October 13, 2023 when she filed a demurrer to the first amended complaint. ROA 552.</p>

		<p>Plaintiff deposed Lake on July 31, 2023, November 6, 2023 and February 27, 2024.</p> <p>"[A] natural person may be deposed only once during the run of the litigation." <i>Fairmont Ins. Co. v. Superior Court</i> (2000) 22 Cal.4th 245, 254; <i>see also McCoy v. Gustafson</i> (2009) 180 Cal.App.4th 56, 97 ("The statute prohibits taking a subsequent deposition of a person (§ 2025.610, subd. (a)), unless the parties and the deponent agree to one or the court grants leave to take a subsequent deposition "for good cause shown."").</p> <p>Plaintiff argues she should be permitted to take a fourth deposition of Lake because Lake made statements in a December 27, 2023 declaration that allegedly contradict her earlier deposition testimony, and because Lake verified a "revised" interrogatory response that allegedly changed a prior interrogatory response served by defendant Diamond ZB Staffing. Plaintiff also argues she should be permitted to take a fourth deposition of Lake to question Lake about various allegations in the second amended complaint.</p> <p>None of these reasons warrants a fourth deposition of Lake. That Lake provided allegedly contradictory testimony at her deposition and in a declaration, and/or verified a discovery response that allegedly contradicts a prior response, may warrant use of the deposition testimony or the documents to impeach Lake at trial; it does not warrant a fourth deposition. As to a further deposition to address the second amended complaint, none of the allegations in the second amended complaint to which plaintiff points are sufficiently different from plaintiff's other, long-pending allegations and theories so as to justify a fourth deposition.</p> <p>Plaintiff's and defendant's requests for sanctions are denied.</p> <p>Defendant Veronica G. Lake to give notice.</p>
10	<p>Stickney v. State Farm General Insurance Company</p> <p>2021-01231896</p>	<p><u>Defendant State Farm General Insurance Company's Motion to Seal Trial Exhibit 80, Trial Exhibit 81 and Exhibit 3 to Plaintiffs' February 27, 2024 Ex Parte Application</u></p> <p>Defendant State Farm General Insurance Company moves to seal Trial Exhibit 80, Trial Exhibit 81 and Exhibit 3 to plaintiffs James Stickney and April Stickney's February 27, 2024 ex parte application. Exhibit 3 contains four pages: three powerpoint slides and a one-page meeting agenda. Trial Exhibit 80 is the meeting agenda. Trial Exhibit 81 is the three powerpoint slides. The court already ordered the three powerpoint slides sealed when it granted in part defendant's previous motion to seal them. ROA 265. The court denied without prejudice defendant's previous motion to seal the meeting agenda, i.e., the fourth page of Exhibit 3 to plaintiffs' February 27, 2024 ex parte application. ROA 265. For the following reasons, defendant's motion to seal Trial Exhibit 81 is denied as moot, and defendant's motion to seal the meeting agenda, i.e., Trial</p>

		<p>Exhibit 80 and the fourth page of Exhibit 3 to plaintiffs’ February 27, 2024 ex parte application, is denied.</p> <p>Unless confidentiality is required by law, court records are presumed to be open. Cal. R. Ct. 2.550(c). A record must not be filed under seal without a court order. Cal. R. Ct. 2.551(a). The court must not permit a record to be filed under seal based solely on the agreement or stipulation of the parties. <i>Id.</i></p> <p>A party requesting that a court record be filed under seal “must file a motion or an application for an order sealing the record.” Cal. R. Ct. 2.551(b)(1). “The motion or application must be accompanied by a memorandum and a declaration containing facts sufficient to justify the sealing.” <i>Id.</i></p> <p>A court may order a record be filed under seal only if the court expressly finds facts that establish: (1) There exists an overriding interest that overcomes the right of public access to the record; (2) The overriding interest supports sealing the record; (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) The proposed sealing is narrowly tailored; and (5) No less restrictive means exist to achieve the overriding interest. Cal. R. Ct. 2.550(d).</p> <p>An order sealing a record must specifically state the facts that support the findings, and direct the sealing of only those documents and pages, or, if reasonably practicable, portions of those documents and pages, that contain the material that needs to be placed under seal. Cal. R. Ct. 2.550(e)(1). All other portions of each document or page must be included in the public file. <i>Id.</i></p> <p>As noted, the court has already sealed the three powerpoint slides that constitute Trial Exhibit 81. Defendant’s motion to seal Trial Exhibit 81 is therefore denied as moot. Trial Exhibit 81 is already sealed because the documents identified as Trial Exhibit 81 have already been ordered sealed.</p> <p>Defendant has not demonstrated that the meeting agenda should be sealed. The general statements about the agenda in the Rice Declaration (ROA 587, ¶ 13) do not state facts sufficient to justify the sealing nor do they accurately describe the document. Moreover, defendant’s proposed sealing is not narrowly tailored, e.g., defendant does not explain why phrases such as “welcome,” “introductions,” “break” and “dismiss for lunch” should be sealed. Defendant’s motion to seal the meeting agenda, i.e., Trial Exhibit 81 and the fourth page of Exhibit 3 to plaintiffs’ February 27, 2024 ex parte application, is denied.</p> <p>Plaintiffs to give notice.</p>
11	Still Protecting Our Newport v. City of Newport Beach	Off calendar.

	2024-01421781	
12	<p data-bbox="272 132 602 163">Watson v. Notarize, Inc.</p> <p data-bbox="272 226 492 260">2023-01310277</p>	<p data-bbox="641 132 1466 197"><u>Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement</u></p> <p data-bbox="641 222 1516 422">The court has reviewed and considered the papers, including the supplemental papers, filed in support of plaintiff's motion for preliminary approval of a \$182,500 class action and PAGA settlement. Subject to plaintiff's submission of the documents (including the revised notice) discussed below, the court grants the motion as follows:</p> <p data-bbox="641 447 1396 512">\$10,000.00 for plaintiff's enhancement payment (not to exceed);</p> <p data-bbox="641 537 1466 602">\$60,833.33 for attorneys' fees (not to exceed to 1/3 of gross settlement amount);</p> <p data-bbox="641 627 1276 661">\$15,000.00 for litigation costs (not to exceed);</p> <p data-bbox="641 686 1490 751">\$5,000.00 for settlement administration costs (not to exceed); and</p> <p data-bbox="641 777 1386 810">\$20,000.00 total PAGA penalties (\$15,00.00 to LWDA).</p> <p data-bbox="641 835 1167 869">The court has the following comments:</p> <ol data-bbox="695 894 1511 1119" style="list-style-type: none"> 1. In its July 23, 2024 order (ROA 75), the court instructed the parties to remove the word "strongly" from the past paragraph on page 3 of the notice. 7/23/24 Order (ROA 75) ¶ 17; see also 12/5/24 Order (ROA 87) ¶ 8. The parties appear to have removed the word "strongly" from a different part of the notice, not from the last paragraph on page 3 of the notice. <p data-bbox="641 1144 1490 1344">Plaintiff is ordered to file and serve by <u>April 24, 2025</u> a copy of the proposed order with all exhibits attached, including a copy of the settlement agreement, any amendments thereto, and a revised notice (as discussed above). Only one copy of the notice should be attached as an exhibit to the proposed order; duplicate copies should not be attached.</p> <p data-bbox="641 1369 1507 1535">The final approval hearing is scheduled for <u>September 11, 2025 at 2:00 p.m.</u> in Department CX104. The motion for final approval shall be filed at least 16 court days before the hearing. See Department CX104 Guidelines for Approval of Class Action Settlements and PAGA Settlements (www.occourts.org).</p> <p data-bbox="641 1560 1500 1625">Plaintiffs are ordered to give notice, including to the LWDA, and to file a proof of service.</p>