

1 HEATHER DAVIS, SBN 239372
2 heather@protectionlawgroup.com
3 AMIR NAYEBDADASH, SBN 232204
4 amir@protectionlawgroup.com
5 CARLOS JIMENEZ, SBN 227534
6 carlos@protectionlawgroup.com
7 **PROTECTION LAW GROUP, LLP**
8 237 California Street
9 El Segundo, California 90245
10 Telephone: (424) 290-3095
11 Facsimile: (866) 264-7880

12 Attorneys for Plaintiff
13 STEVE VALENZUELA

14 [*Additional counsel listed on next page*]

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF ORANGE**

17 ANDRES ARCOS, individually and on behalf
18 of others similarly situated,

19 Plaintiff,

20 vs.

21 AXIOM MATERIALS, INC., a California
22 corporation; and DOES 1 through 50,
23 inclusive,

24 Defendants.

25 Lead Case No.: 30-2020-01144794-CU-OE-
26 CXC

27 (Consolidated Case Nos: 30-2020-01140945-
28 CU-OE-CXC; 30-2020-01155811-CU-OE-
CXC; and 30-2020-01168863-CU-OE-CXC)

*Assigned for all purposes to the Hon. Peter
Wilson, Dept. CX102*

**SUPPLEMENTAL DECLARATION OF
HEATHER DAVIS IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: August 4, 2022
Time: 2:00 p.m.
Dept: CX102

1 JONATHAN MELMED, SBN 290218

2 jm@melmedlaw.com

3 **MELMED LAW GROUP, P.C.**

4 1801 Century Park East, Suite 850

5 Los Angeles, California 90067

6 Telephone: 310-824-3828

7 Facsimile: 310-862-6851

8 Attorneys for Plaintiff

9 WILLIAM ZELAYA

10 KASHIF HAQUE, SBN 218672

11 SAMUEL A. WONG, SBN 217104

12 JESSICA L. CAMPBELL, SBN 280626

13 FAWN F. BEKAM, SBN 307312

14 **AEGIS LAW FIRM, PC**

15 9811 Irvine Center Drive, Suite 100

16 Irvine, California 92618

17 Telephone: (949) 379-6250

18 Facsimile: (949) 379-6251

19 Attorneys for Plaintiff

20 ANDRES ARCOS

1 (English and Spanish); (6) the Request for Exclusion Form; (7) the Order granting Preliminary
2 Approval; (8) the Order granting Final Approval; and (9) the Judgment.

3 8. Attached as **Exhibit C**, is a true and correct copy of the Steve Valenzuela's PAGA
4 Notice.

5 9. Attached as **Exhibit D**, is a true and correct copy of the William Zelaya's PAGA
6 Notice.

7 10. Attached as **Exhibit E**, is a true and correct copy of the Andres Arcos' PAGA
8 Notice.

9 11. The Settlement Administrator's Costs will not exceed \$7,000.00.

10 **Amendments To The Settlement Agreement**

11 12. On July 6, 2022, the Court issued a tentative ruling continuing the hearing on
12 Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and requesting either
13 supplemental briefing or modifications to the proposed settlement.

14 13. In response to the Court's order, the Parties have agreed to make the following
15 changes to the Settlement Agreement:

- 16 • Have separate releases for Class and PAGA claims. *See* Amendment No. 1 of
17 Amendment to Settlement Agreement, a true and correct copy of which is attached
18 as **Exhibit F**.
- 19 • Revised the Settlement Agreement to give the Court the right to review and reverse
20 the Settlement Administrator's initial decision regarding disputes submitted by
21 putative class members. *See* Amendment No. 2 of **Exhibit F**.
- 22 • Revised the Settlement Agreement to allow putative class members to make oral
23 objections in person or through counsel at the Final Approval Hearing. *See*
24 Amendment No. 3 of **Exhibit F**.
- 25 • Revised the Settlement Agreement to expressly mention to California Code of Civil
26 Procedure section 664.6. *See* Amendment No. 4 of **Exhibit F**.

Issues Re Class Notice

1
2 14. The heading of the Class Notice has been revised to state that this is a Class and
3 PAGA Action Settlement.

4 15. The Parties do not believe that the Class Notice need to be translate into any other
5 language other than English and Spanish.

6 16. The Class Notice has been revised to define “Defendant.”

7 17. The Class Notice has been revised to explain how the payments will be determined,
8 by separating PAGA payments and Individual payment, states how the PAGA payments will be
9 treated for tax purposes, and provides a blank space for the estimated Individual PAGA payment.

10 18. The Class Notice has been revised to provide putative class members with
11 instructions regarding how to dispute their eligibility for payments, what identifying information
12 is required, and that the Settlement Administrator’s initial decision will be reviewed by the Court.

13 19. The release language in the Class Notice has been revised by separating the Class
14 and PAGA releases.

15 20. The Class Notice has been revised to clarify the effect of submitting a request for
16 exclusion.

17 21. The Class Notice has been revised to identify all Plaintiff firms that will be
18 approved as Class Counsel.

19 22. The Class Notice has been revised to clarify that the amounts requested for
20 attorneys’ fees and costs are the total amount of fees and costs sought by all three plaintiffs’ firms.

21 23. The Class Notice has been revised to inform putative class members that they may
22 object in person or through counsel orally at the Final Approval hearing.

23 24. The Class Notice has been revised to inform putative class members what will
24 happen if they submit a request for exclusion and an objection.

25 25. The Class Notice has been revised to advise putative class members that the
26 timeliness of any disputes, written objections and requests for exclusions will be determined solely
27 based on the postmark dates, and that untimely disputes, written objections and requests for
28 exclusion may not be considered.

