

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA**

Superior Court of California, County of Ventura, Hall of Justice, Department 41

**202200563241CUOE**

**Joseph D Aguilar vs. Tastes & Tales LLC**

July 12, 2023

8:20 AM

Judge: Honorable Ronda McKaig

Judicial Assistant: Kim Goodman

CSR: None

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**APPEARANCES:**

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**NATURE OF PROCEEDINGS:** Hearing on Preliminary Approval of Class Action Settlement

8:46 a.m. Court convenes in this matter with no appearance by any party.

Parties submitted on the court's tentative ruling prior to the hearing.

The Court finds/orders:

The Court's tentative is adopted as the Court's ruling as follows:

Plaintiffs' motion for preliminary approval of class action settlement:

Court approves the motion.

Plaintiffs seek an order:

- 1) preliminarily certifying the settlement class;
- 2) preliminarily appointing plaintiffs as class representatives;
- 3) preliminarily appointing Jonathan Melmed, Kyle Smith, and Joanne Kim of Melmed Law Group P.C. as class counsel;
- 4) preliminarily approving the settlement as fair, adequate, and reasonable;
- 5) preliminarily approving payment of reasonable attorneys' fees in an amount not to exceed one-third of the Gross Settlement Amount (i.e., up to \$116,666.67), plus necessary litigation costs not to exceed \$15,000;
- 6) preliminarily approving class representative service payments in an amount of up to \$10,000 for Joseph Aguilar and \$10,000 for Christian Beller;
- 7) preliminarily approving the allocation of \$50,000 for PAGA penalties, of which 75% (i.e.,

UNITED STATES DEPARTMENT OF JUSTICE

Attorney General

Washington, D.C. 20530

Dear Sir:

Reference is made to your letter of the 10th instant.

The Bureau has reviewed the information furnished.

It is noted that the information is being furnished to you.

The Bureau is unable to provide you with the information requested.

Very truly yours,

Director

Enclosure

Very truly yours,

Director

Enclosure

Very truly yours,

Director

Enclosure

Very truly yours,

Director

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\$37,500) shall be paid to the California Labor and Workforce Development Agency (“LWDA”), with the remaining 25% (i.e., \$12,500) payable to the aggrieved employees;

- 8) appointing Phoenix Settlement Administrators (the “Settlement Administrator”) as the settlement administrator and preliminarily approving settlement administration costs estimated to be \$8,500;
- 9) dismissing, without prejudice, Defendant Orestis Simos and Defendant Water’s Edge Restaurant and Bar from the action;
- 10) approving the proposed class notice;
- 11) directing the Settlement Administrator to mail the class notice to the proposed class;
- 12) approving the proposed deadlines for the notice and administration process;
- 13) setting a date for a final fairness hearing; and
- 14) granting Plaintiffs leave to file the overlength brief included with this motion.

Discussion: To prevent fraud, collusion or unfairness to the class, settlement or dismissal of a class action, or a cause of action in a class action, or a party requires court approval. (Cal. Rules of Court, rule 3.769(a)). Settlements preceding class certification are scrutinized more carefully to make sure that absent class members’ rights are adequately protected. (*Wershba v Apple Computer, Inc.* (2001) 91 Cal.App.4<sup>th</sup> 224).

This action was filed on March 1, 2022 by Joseph Aguilar; plaintiff Christian Beller was added by first amended complaint. The operative pleading is the second amended complaint filed on May 31, 2022.

Plaintiffs conducted “significant” informal discovery and, from the information obtained, had their expert “carefully craft a damages model.” (Melmed dec., ¶¶ 22, 23). The parties participated in a full-day mediation on November 29, 2022, and on January 3, 2023 they accepted the mediator’s proposal “concerning the broad terms of a settlement agreement.” (Melmed dec., ¶ 24). The parties then spent the next few months negotiating the details, ultimately executing the settlement agreement on May 24, 2023. (Melmed dec., ¶ 25).

A copy of the settlement agreement and proposed class notice are attached to Mr. Melmed’s declaration at Exhibit 1. It is based on the Los Angeles Superior Court’s [Model] Class Action and PAGA Settlement Agreement. A redlined version of the agreement showing changes to the model agreement is attached as Exhibit 2.

Defendants have agreed to pay \$350,000 in a non-reversionary settlement. Plaintiffs “applied appropriate discounts on the maximum settlement value as calculated to come to Defendants’ realistic exposure of \$458,979.96.” (Melmed dec., ¶ 68.)

The first section of the document discusses the importance of maintaining accurate records and the role of the data manager in ensuring that all information is properly documented and accessible.

In addition, it is crucial to establish a clear communication channel between the data manager and other stakeholders to facilitate the exchange of information and address any concerns or questions that may arise.

Furthermore, the document emphasizes the need for regular training and professional development for the data manager to stay up-to-date with the latest trends and technologies in the field.

Overall, the document provides a comprehensive overview of the data manager's role and the various responsibilities associated with this position, highlighting the importance of this role in the success of any organization.

The second section of the document focuses on the specific tasks and duties of the data manager, including data collection, analysis, and reporting, as well as the management of data storage and security.

It is noted that the data manager is responsible for ensuring that all data is collected in a consistent and standardized manner, and that it is analyzed and reported in a timely and accurate manner.

Additionally, the data manager is responsible for implementing and maintaining robust data storage and security measures to protect the organization's sensitive information from unauthorized access and data loss.

The document also discusses the importance of data backup and recovery procedures, and the need for the data manager to have a clear and tested plan in place to ensure that the organization's data can be restored in the event of a disaster.

Finally, the document highlights the need for the data manager to be a proactive and strategic thinker, capable of identifying and addressing potential data-related risks and opportunities before they become major issues.

In conclusion, the document provides a detailed and thorough overview of the data manager's role and responsibilities, and emphasizes the importance of this role in the success of any organization.

The third section of the document discusses the various challenges and obstacles that the data manager may face in the course of their work, and provides strategies for overcoming these challenges.

One of the primary challenges is the sheer volume and complexity of data, which can be overwhelming and difficult to manage. The data manager must have a clear and organized system in place to handle this data effectively.

Another challenge is the need to ensure data accuracy and integrity, which requires the data manager to have a strong attention to detail and a commitment to high-quality work.

Furthermore, the data manager may face challenges related to data security and privacy, particularly in the context of increasingly strict regulations and the growing awareness of data breaches.

Despite these challenges, the data manager can overcome them by staying up-to-date with the latest industry trends and technologies, and by maintaining a strong and effective communication channel with other stakeholders.

In summary, the document provides a comprehensive overview of the data manager's role and responsibilities, and emphasizes the importance of this role in the success of any organization.

The fourth and final section of the document discusses the future of the data manager's role, and the impact of emerging technologies and trends on this profession.

It is noted that the data manager's role is expected to continue to evolve and expand as the volume and complexity of data continues to grow, and as new technologies and trends emerge.

Overall, the document provides a comprehensive and detailed overview of the data manager's role and responsibilities, and emphasizes the importance of this role in the success of any organization.