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14 TROY FERRER, individually, and on behalf of all those
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26 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
27 **FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER**
28 **[CLASS-PAGA ACTION]**

TROY FERRER, individually, and on behalf of
all others similarly situated;

Plaintiffs

vs.

EASTER SEALS SOUTHERN CALIFORNIA,
INC., a California corporation; and DOES 1
through 25, inclusive;

Defendants

CASE: 30-2016-00842944-CU-OE-CXC
CLASS-PAGA ACTION
JUDGE: Hon. Lon F. Hurwitz
DEPT: CX-103

**STIPULATION TO CONTINUE HEARING
DATE OF MOTION FOR FINAL
APPROVAL OF CLASS-PAGA ACTION
SETTLEMENT; [PROPOSED] ORDER**

[Related to ROAs 555 and 561]

Complaint: 3-25-2016
Mtn. Final Approval: 10-11-2024

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 19 2024

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

1 Plaintiff and preliminarily certified Class-PAGA Representative, TROY FERRER
2 (“Plaintiff” or “Class Representative”) and Defendant EASTER SEALS SOUTHERN
3 CALIFORNIA, INC. (“Defendant” or “Easter Seals”) (collectively, the “Parties”), by and through
4 their respective counsel, hereby enter into this Stipulation, subject to the Court’s approval, to
5 continue the hearing date on the Class Representative’s prospective Motion for Final Approval of
6 Class-PAGA Action Settlement (“Motion for Final Approval”), and all dates attendant therewith, in
7 connection with the above-captioned action.

8 Based upon the Recitals set forth hereinbelow, the Parties respectfully request that the
9 hearing on the Class Representative’s prospective Motion for Final Approval be continued to the
10 date of December 6, 2024, or as soon thereafter as the Court’s schedule permits.

11 **RECITALS**

12 WHEREAS, on June 17, 2024, the Court issued its Order of Preliminary Approval of the
13 proposed Class-PAGA Action Settlement in this lawsuit (“Court Order”).

14 WHEREAS, in the Court Order, the Court set an October 11, 2024 hearing date for
15 Plaintiff’s Motion for Final Approval.

16 WHEREAS, an October 11, 2024 hearing on Plaintiff’s Motion for Final Approval does not
17 provide the Class Representative and settlement administrator sufficient time to administer the
18 settlement and file the Motion for Final Approval. Indeed, based on the Court Order, the settlement
19 administration timeline is as follows:

- 20 • June 17, 2024 – Court Order granting preliminary approval of settlement (*see* ROA 561)
- 21 • June 27, 2024 – Deadline for Defendant to provide the class data to the settlement
22 administrator (*see* Court Order, ¶ 10; Provision 4.2 of the Settlement Agreement).
- 23 • July 11, 2024 – Deadline for the Settlement Administrator to mail class notices (*see*
24 Court Order, ¶ 12; Provision 7.4.2 of the Settlement Agreement).
- 25 • August 14, 2024 – Deadline to re-mail class notices that were not successfully delivered
26 (*see* Court Order, ¶ 12).
- 27 • September 9, 2024 – Request for Exclusion and Objection deadline for successfully
28 mailed class notices (*see* Court Order, ¶¶ 14, 15).

- 1 • September 30, 2024 – Request for Exclusion and Objection deadline for re-mailed
2 notices (*see* Court Order, ¶¶ 14, 15).

3 WHEREAS, pursuant to Provision 7.13 of the Settlement Agreement, the settlement
4 administrator is required to provide the Parties with a declaration attesting to its administration of
5 the settlement, and the response from the Class, fourteen (14) calendar days before the Class
6 Representative is required to file the requisite Motion for Final Approval.

7 WHEREAS, even if the Parties assume that the settlement administrator is able to provide
8 its declaration of due diligence on the same day as the September 30, 2024, Request for Exclusion
9 deadline for re-mailed notices, pursuant to Provision 7.13 of the Settlement Agreement, Class
10 Representative would have 14 days thereafter (i.e., until October 14, 2024) to file his Motion for
11 Final Approval.

12 WHEREAS, pursuant to the Court’s May 31, 2024, Minute Order on the Class
13 Representative’s Motion for Preliminary Approval, “All papers for the Motion for Final Approval
14 are due no later than fourteen (14) calendar days prior to the [Final Approval] hearing date.”

15 WHEREAS, since the settlement administration will not be complete in time for Plaintiff to
16 submit his Motion for Final Approval at least 14 calendar days before the October 11, 2024 Motion
17 for Final Approval hearing, the Parties request that the hearing be continued December 6, 2024, or
18 as soon thereafter as the Court’s calendar will allow.

19 WHEREAS, the Parties respectfully submit that it is in the interest of judicial economy and
20 efficiency for the Court to continue the hearing on Plaintiff’s Motion for Final Approval and for the
21 Parties to direct their resources toward seeking final approval of the proposed global Class-PAGA
22 action settlement before needing to brief class certification, engage in other motion practice, and/or
23 participate in trial.

24 WHEREAS, the Parties will not suffer prejudice as a result of the requested continuance
25 and, in fact, will suffer irreparable harm and undue prejudice if they are required to continue with
26 the October 11, 2024 hearing date – a date by which it is impossible for the Parties and the
27 settlement administrator to complete all the prescribed administrative actions for settlement.

1 WHEREAS, continuing the ongoing tolling of the Five-Year Statute to bring this action to
2 trial, codified in California Code of Civil Procedure §583.310, will permit the Parties to focus
3 exclusively on seeking final approval of the proposed Class-PAGA Action Settlement and, even
4 more importantly, conserve precious limited judicial resources.

5 **STIPULATION**

6 Therefore, IT IS HEREBY STIPULATED by the Parties, by and through their respective
7 counsel of record, that:

8 1. The hearing date on Plaintiff's Motion For Final Approval of Class-PAGA Action
9 shall be continued from October 11, 2024 to December 6, 2024, or as soon thereafter as the Court's
10 calendar will allow; and

11 2. The five-year period to bring this matter to trial, codified in California Code of Civil
12 Procedure §583.310, shall be continued to the date of July 6, 2026, or as soon thereafter as the
13 Court's calendar permits.

14 **IT IS SO STIPULATED.**

15
16 **LAW OFFICE OF
ROBERT W. SKRIPKO, JR., PC**

17 /S/ Robert W. Skripko, Jr.

18 Dated: July 17, 2024

By: _____

19 Robert W. Skripko, Jr.
20 Attorneys for Plaintiff and preliminarily approved
Class-PAGA Representative, TROY FERRER

21
22 **NOSSAMAN LLP**

23 /S/ Pavneet Singh Mac

24 Dated: July 17, 2024

By: _____

25 Pavneet Singh Mac
26 Attorneys for Defendant,
EASTER SEALS SOUTHERN CALIFORNIA, INC.

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ORDER

Upon consideration of the Parties' Stipulation to Continue the hearing on the Class Representative's prospective Motion for Final Approval of Class-PAGA Action Settlement, and all procedural dates attendant therewith, and good cause appearing therefor,


IT IS HEREBY ORDERED THAT:

1. The hearing date on the Class Representative's Motion for Final Approval of Class-PAGA Action Settlement is continued from October 11, 2024, to Jan. 10, 2025, at 1:30 a.m./p.m., in Department CX103 of the Orange County Superior Court – Civil Complex Center.

2. All papers for the Motion for Final Approval are due no later than fourteen (14) calendar days prior to the hearing date.

IT IS SO ORDERED.

Dated: July 19, 2024

By: 
HONORABLE LON F. HURWITZ
Superior Court Judge

JFH

PROOF OF SERVICE

1
2 I, the undersigned, am employed in the County of Orange, State of California. I am over the
3 age of eighteen years and not a party to the within entitled action. My business address is 38
4 Corporate Park, Irvine, California 92606.

5 On date set forth below, I caused the foregoing documents described as **STIPULATION TO**
6 **CONTINUE HEARING DATE OF MOTION FOR FINAL APPROVAL OF CLASS-PAGA**
7 **ACTION SETTLEMENT; [PROPOSED] ORDER (Related to ROAs 555 and 561)** to be served
8 on the interested parties in this action, by providing a true copy thereof to the following address:

9 **NOSSAMAN LLP**
10 Drew R. Hansen
11 dhansen@nossaman.com
12 Pavneet Singh Mac
13 pmac@nossaman.com
14 18101 Von Karman Avenue, Suite 1800
15 Irvine, CA 92612

16 BY PERSONAL SERVICE: I caused such envelope(s) to be delivered by hand to the office of
17 counsel identified above.

18 BY OVERNIGHT MAIL: I caused such envelope(s) to be deposited in a box or other facility
19 regularly maintained by the express service carrier, or delivered to an authorized courier or driver
20 authorized by the express service carrier to receive documents, in an envelope or package
21 designated by the express service carrier with delivery fees paid for or provided for, addressed to
22 the person on whom it is to be served, at the office address as last given by that person on any
23 documented filed in the cause and served on the party making service; otherwise that party's place
24 of residence.

25 By E-MAIL: I caused this pleading to be electronically transmitted by One Legal, LLC to
26 the office of counsel identified above at their designated e-mail address.

27 I declare under penalty of perjury under the laws of the State of California that the foregoing
28 is true and correct. Executed on July 17, 2024, in Irvine, California.

/S/ Robert W. Skripko, Jr.

ROBERT W. SKRIPKO, JR.