

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

Complex Law and Motion Calendar  
Judge HONORABLE V. RAYMOND SWOPE  
Department 23  
400 County Center, Redwood City  
Courtroom 8A

Monday October 23, 2023

IF YOU **INTEND TO APPEAR** ON ANY CASE ON THIS CALENDAR YOU MUST DO ONE OF THE FOLLOWING:

1. **EMAIL [Dept23@Sanmateocourt.org](mailto:Dept23@Sanmateocourt.org)** BEFORE 4:00 P.M.  
CONTEMPORANEOUSLY COPIED TO ALL PARTIES OR THEIR COUNSEL OF RECORD. IF BY EMAIL, IT MUST INCLUDE THE NAME OF THE CASE, THE CASE NUMBER, AND THE NAME OF THE PARTY CONTESTING THE TENTATIVE RULING **OR**;
  2. YOU MUST CALL (650) 261-5123 BEFORE 4:00 P.M with the case name, number and the name of the party contesting.
- AND**
3. You must give notice before 4:00 P.M. to all parties of your intent to appear pursuant to California Rules of Court 3.1308(a) (1) .

Failure to do both items 1 or 2 and 3 will result in no oral presentation.

**Appearances by Zoom are highly encouraged.**

**Zoom Video/Computer Audio Information:**

<https://sanmateocourt.zoomgov.com/>

Meeting ID: 161 435 0369

Password: 188130

**Zoom Phone-Only Information Please note: You must join by dialing in from a telephone; credentials will not work from a tablet or PC**

Dial in: +1 (669)-254-5252

***(Meeting ID and passwords are the same as above)***

**TO ASSIST THE COURT REPORTER, the parties are ORDERED** to: (1) state their name each time they speak and only speak when directed by the Court; (2) not to interrupt the Court or anyone else; (3) speak slowly and clearly; (4) use a dedicated land line if at all possible, rather than a cell phone; (5) if a cell phone is absolutely necessary, the parties must be stationary and not driving or moving; (6) no speaker phones under any circumstances; (7) provide the name and citation of any case cites; and (8) spell all names, even common names.

Case

Title / Nature of Case

3:00  
LINE:1

20-CIV-01213      EARTH ISLAND INSTITUTE VS.    CRYSTAL GEYSER WATER COMPANY

EARTH ISLAND INSTITUTE  
CRYSTAL GEYSER WATER COMPANY

MARK C. MOLUMPY  
RENE PIERRE TATRO

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APPLICATION TO APPEAR AS COUNSEL PRO HAC VICE OF JULIE SIMEONE

**TENTATIVE RULING:**

Julie Simeone's unopposed Verified Application to Appear as Counsel Pro Hac Vice is APPROVED, as the Applicant has satisfied all the requirements set forth in California Rules of Court Rule 9.40(d). Further, Counsel has provided proof that the application and notice of hearing were served on all parties as well as the State Bar consistent with CRC 9.40(c). Specifically, the Court makes the following findings:

The application provides the applicant's residence and office address;

The application lists the courts to which the applicant has been admitted;

The applicant is a licensee in good standing in those courts;

The applicant is not currently suspended or disbarred in any court;

The name, address, and telephone number of the active licensee of the State Bar of California who is attorney of record has been listed;

Counsel has provided a proof of service indicating that notice has been given to the State Bar of California; and

The application indicates that the \$50 fee has been paid pursuant to CRC 9.40(e).

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3:00  
LINE:2

20-CIV-02814      KENDELL PRATER VS SOUTH EAST EMPLOYEE LEASING SERVICES

KENDELL LARON PRATER      SARA EHSANI-NIA  
SOUTH EAST EMPLOYEE LEASING SERVICES, INC.

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MOTION FOR PRELIMINARY APPROVAL OF CLASS, REPRESENTATIVE ACTION AND COLLECTIVE ACTION SETTLEMENT AND PROVISIONAL SETTLEMENT AND PROVISIONAL SETTLEMENT PURPOSES ONLY BY PLAINTIFFS KENDELL LARON PRATER, RUSSEL STEPHEN, TYLER KARLI, SABRINA DENNIS, CAROL MARTINEZ AND NATHAN BREDENBURG

**TENTATIVE RULING:**

HEARING REQUIRED. The Court is inclined to grant Plaintiffs' Renewed Motion for Preliminary Approval provided the parties address the following issues prior to the hearing.

- There is a discrepancy in the Settlement Agreement and Proposed Notice whether settlement administration costs will be paid separately by Defendants or deducted from the Gross Settlement Agreement ("GSA"). (Compare Schalman-Bergen Dec., Ex. 1 ("Settlement Agreement"), §§ I(17), I(36) (paid separately); with id. at § III(14)(a); Ex. A ("Proposed Notice"), ¶ 3 (deducted from GSA).)
  - The Response Deadline shall be 60-days from initial mailing or re-mailing.
  - The proposed Settlement Administrator, Analytics Consulting, LLC, shall file a declaration of its qualifications administer the settlement.
  - Plaintiffs shall present evidence of the submission of the Second Amended Complaint to the LWDA. (Lab. Code § 2699, subd. (1)(1). See LWDA case no. LWDA-CM-793117-20.)
  - With the Proposed Notice, the parties shall provide opt-out and objection forms.
  - The Proposed Notice and opt-out and objections form shall clearly identify the Settlement Administrator and its
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mailing address. (See Proposed Notice, ¶ 6 (“you must submit a written exclusion from the Settlement (‘Request for Exclusion’) by mail to the Settlement Administrator” and “Any written objection must be mailed to the Settlement Administrator”). See also *id.* at ¶ 10 (providing telephone number and email address only).)

- The Proposed Order shall also cite and incorporate by reference the Stipulation to Amend the Settlement Agreement appended to Schalman-Bergen Declaration, Exhibit 2. (See Proposed Order, ¶¶ 1, 11, 13.) The Proposed Order shall also append the Settlement Agreement, Stipulation, and approved notice as exhibits.

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