

1 Heather McMillan (SBN 188939)
heather@scmclaw.com
2 Daniel P. Stevens (SBN 164277)
ken@scmclaw.com
3 Christoher E. Gavriiliuc (SBN 324599)
chris@scmclaw.com
4 STEVENS & McMILLAN
335 Centennial Way
5 Tustin, CA 92780
Tel.: (714) 730-1000
6 Fax: (714) 730-1067

7 Attorneys for Representative Plaintiffs:
EVAGELOS ANDRIKOS, BRYANT BURNS,
8 MICHAEL OLVERA, PAUL RUIZ,
JERRY VRBANOVIC
9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 EVAGELOS ANDRIKOS, BRYANT
13 BURNS, MICHAEL OLVERA,
PAUL RUIZ, JERRY VRBANOVIC,
14 on behalf of themselves and other
similarly situated non-exempt former
15 and current employees,

16 Plaintiffs,

17 vs.

18 PACIFIC MARITIME
ASSOCIATION, PACIFIC
19 MARITIME ASSOCIATION, INC.,
APM TERMINALS PACIFIC LLC,
20 APS STEVEDORING, LLC,
BENICIA PORT TERMINAL
21 COMPANY, CERES TERMINALS
INCORPORATED, CRESCENT
22 CITY MARINE WAYS &
DRYDOCK COMPANY, INC.,
23 EAGLE MARINE SERVICES, LTD.,
EVERPORT TERMINAL
24 SERVICES, INC., HARBOR
INDUSTRIAL SERVICES
25 CORPORATION, INNOVATIVE
TERMINAL SERVICES INC.,
26 INTERNATIONAL
TRANSPORTATION SERVICE,
27 INC., KINDER MORGAN BULK
TERMINALS LLC, LBCT, LLC,
28

Case No. CV 19-10421-GW-JCx

District Judge: Hon. George H. Wu

Magistrate Judge: Hon. Jacqueline
Chooljian

**ORDER RE JOINT STIPULATION
GRANTING APPROVAL OF
CLASS ACTION
CERTIFICATION NOTICE TO
CLASS MEMBERS**


1 MARINE TERMINALS
 2 CORPORATION, MARINE
 3 TERMINALS CORPORATION OF
 4 LOS ANGELES, MATSON
 5 NAVIGATION COMPANY, INC.,
 6 MATSON TERMINALS, INC.,
 7 METROPOLITAN STEVEDORE
 8 COMPANY, OCEAN TERMINAL
 9 SERVICES, INC., PACIFIC CRANE
 10 MAINTENANCE COMPANY LP,
 11 PACIFIC RO-RO STEVEDORING,
 12 LLC, PASHA STEVEDORING &
 13 TERMINALS LP, PORT
 14 MAINTENANCE GROUP, SSA
 15 MARINE, INC., SSA TERMINALS,
 16 LLC, TERMINAL EQUIPMENT
 17 SERVICES, INC., TOTAL
 18 TERMINALS INTERNATIONAL,
 19 LLC, TRANSPAC TERMINAL
 20 SERVICES, LLC, TRAPAC, LLC,
 21 YUSEN TERMINALS, INC. and
 22 DOES 1 through 100, inclusive,
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 Defendants.

ORDER

Based on the Stipulation of the Parties and good cause having been shown the Court hereby approves the Parties’ Proposed Class Action Notice to Class Members, in the form attached hereto as **Exhibit A**. Class Notice will be mailed out to Class Members by March 1, 2022.

IT IS SO ORDERED.

Dated: February 15, 2022 _____

By: 
 HONORABLE GEORGE H. WU
 United States District Judge

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EXHIBIT A

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EVAGELOS ANDRIKOS, BRYANT
BURNS, MICHAEL OLVERA, PAUL
RUIZ, JERRY VRBANOVIC, on behalf of
themselves and other similarly situated non-
exempt former and current employees,

Case No. 2:19-cv-10421 GW(JCx)

Hon. George H. Wu

v.

PACIFIC MARITIME ASSOCIATION, et al.

NOTICE OF CLASS ACTION

A federal court authorized this Notice. This is not a solicitation from a lawyer.

Please read this Notice carefully and in its entirety.

If you were hired as an hourly employee who performed work for any or all of the entities named below and were paid on an hourly basis from August 22, 2015, to the present this notice applies to you and may affect your rights.

- Current and former employees named Evagelos Andrikos, Byrant Burns, Michael Olvera, Paul Ruiz, and Jerry Vrbanovic (“Plaintiffs”) have alleged the following claims against Defendants¹: (1) Unpaid Pre-Shift Wages; (2) Unpaid Travel Time; (3) Unpaid Mileage; (4) Improper Wage Statements; (5) Unreimbursed TWIC cards; (6) Unpaid Waiting Time Penalties; and (7) that the Defendants engaged in Unfair Competition. Defendants deny these claims, and contend that at all times, Defendants properly followed all federal, state, and local laws, including the wage-and-hour laws of the California Labor Code.
- The Court has allowed claims alleged in the lawsuit to proceed as a class action.

¹ The entities who are named Defendants in this Class Action lawsuit are: Pacific Maritime Association, Pacific Maritime Association, Inc., APM Terminals Pacific LLC, APS Stevedoring, LLC, Benicia Port Terminal Company, Ceres Terminals Incorporated, Crescent City Marine Ways & Drydock Company, Inc., Eagle Marine Services, Ltd., Everport Terminal Services, Inc., Harbor Industrial Services Corporation, Innovative Terminal Services Inc., International Transportation Service, Inc., Kinder Morgan Bulk Terminals LLC, LBCT, LLC, Marine Terminals Corporation, Marine Terminals Corporation Of Los Angeles, Matson Navigation Company, Inc., Matson Terminals, Inc., Metropolitan Stevedore Company, Ocean Terminal Services, Inc., Pacific Crane Maintenance Company LP, Pacific Ro-Ro Stevedoring, LLC, Pasha Stevedoring & Terminals LP, Port Maintenance Group Inc., SSA Marine, Inc., SSA Terminals, LLC, Terminal Equipment Services, Inc., Total Terminals International, LLC, Transpac Terminal Services, LLC, Trapac, LLC, and Yusen Terminals, Inc (“Defendants”).

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YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

DO NOTHING	<p>You will automatically become a class member and be included in this class action lawsuit.</p> <p>You will keep the possibility of getting money that may come from a trial or settlement, but you give up any rights to sue Defendants separately over the same legal claims made in this lawsuit. You will be bound by the result of the class action.</p>
ASK TO BE EXCLUDED BEFORE 45 DAYS AFTER MAILING (Instructions On The Next Page)	<p style="text-align: center;">Opt out.</p> <p>If you ask to be excluded from the class action (sometimes called “opting out”), you will keep any rights to sue Defendants separately about the same legal claims made in this lawsuit. If money is later awarded in this class action lawsuit, you won’t share in any of that recovery.</p>

The purpose of this Notice is to inform you of a class action lawsuit now pending in the United States District Court for the Central District of California (the “Court”) against Defendants. On January 20, 2022, the Court certified this case to proceed as a class action on behalf of **current and former hourly employees who performed work for any or all of the Defendants at any of the ports in California and were paid on an hourly basis during the class period, defined as August 22, 2015, to the present.**

The Court has not decided whether Defendants did anything wrong, and this Notice is not an admission by Defendants or an expression of any opinion of the Court concerning the merits of the Action. Since this case is ongoing, there is no settlement or monetary recovery at this time.

Please do not call or write the Court. If you have questions after reading this Notice, you should contact the Administrator or Class Counsel, as discussed below.

BASIC INFORMATION

1. Why did I get this Notice?

Defendants’ records show that you are either a current or former hourly employee who performed work for any or all of the Defendants at any of the ports in California and were paid on an hourly basis during the class period, defined as August 22, 2015, to the present. If that is correct, then you are currently a member of the class in this lawsuit, *unless you ask to be excluded*. You received this Notice because the Court has certified a Class in this lawsuit, and you were identified as a potential Class Member whose rights may be affected. This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. Judge George H. Wu of the United States District Court for the Central District of California is overseeing this class action. The lawsuit is titled *Andrikos, et al. v. Pacific Maritime Association, et al.*, Case No. 2:19-cv-10421 GW(JCx).

1 A class action is a type of lawsuit in which one or several individuals or entities prosecute claims
2 on behalf of all members of a group of similarly situated persons (i.e., the class) to obtain
3 monetary or other relief for the entire group. Class actions avoid the necessity of each member of
a class having to file his or her own separate lawsuit to obtain relief.

4 The Court decided that this lawsuit can proceed as a class action because it meets the
5 requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal district
courts.

6 **2. What is this Lawsuit about?**

7 In this lawsuit, Plaintiffs raised several claims, including that the Defendants were required to and
8 failed to pay you wages for the time you spent waiting to be dispatched when assigned a job;
9 failed to pay travel time from dispatch hall to work site; failed to pay mileage for driving from
10 dispatch hall to work site; failed to issue proper wage statements; failed to reimburse TWIC
11 cards; and failed to pay all wages upon termination as a result of not paying the foregoing wages.
12 Defendants deny all allegations from Plaintiffs and contend that Plaintiffs' claims are meritless.
13 Defendants contend that they have complied with all federal, state, and local laws, including the
California Labor Code.

14 The Court has not yet decided who is right or wrong. This notice is not an expression of any
15 opinion by the Court as to the merits of any of the claims or defenses asserted by either side.

16 **3. How do I ask the Court to be excluded from the Class? ("Opt-Out")**

17 To ask to be excluded, you complete the following action no later than [within 45 days of
18 mailing]

19 If you wish to opt out and be excluded from the Class, you must state so in writing, provide your
20 name, address, social security number, sign it, and mail that writing to the Case Administrator,
CPT Group at 50 Corporate Park, Irvine CA 92606 Attn: Andrikos Case Administrator.

21 **4. What is a class action and who is involved?**

22 In a class action, one or more people called "Class Representatives" (in this case, Plaintiffs
23 Evangelos Andrikos, Byrant Burns, Michael Olvera, Paul Ruiz, and Jerry Vrbanovic) are suing
24 Defendants on behalf of themselves and other people who have similar claims. The group of
people with similar claims is called a "Class." The entities against which the Plaintiffs have filed
the action are called the Defendants. The Court and a jury decide the issues in the case for every
person in the Class who has not chosen to exclude themselves from the Class.

25 **5. Is there any money available now?**

26 No money is available now and there is no guarantee that any monetary recovery will ever be
27 obtained. If the Plaintiffs win after trial and any subsequent appeals by Defendants, there may be
28 monetary payments. If Defendants win at trial, there will be no monetary payments.

YOUR RIGHTS AND OPTIONS

If you are a Class Member, you have the right to decide whether to stay in the Class or to ask to be excluded from the Class. If you are a member of the Class and wish to be excluded from the Class, you must request exclusion in accordance with the procedure set forth in Question 3 above.

6. What happens if I do nothing?

You will remain a member of the class action. This means you will be legally bound by all of the orders the Court issues and judgments the Court makes in this Action, including any settlement amount that may come in the future.

If money is paid to the Class, either through a settlement with Defendants or a judgment of the Court after trial, you may be eligible to receive a share of that recovery.

If you choose to remain a member of the Class, you do not have to do anything at this time. However, the class may be required to support their requests for payment by documenting their work hours and expenses incurred while performing work for Defendants. Therefore, you should retain any records you have relative to your work hours and expenses.

7. What happens if I ask to be excluded?

If you chose to be excluded from the class action, you will not be represented by Plaintiffs’ class counsel, be bound by the judgment in this action, or be part of the Class pursuing claims against Defendants. Instead, you will be able to pursue your own lawsuit or claims against Defendants about the conduct in this case to the extent the claims are not already time barred by the statute of limitations. If you wish to be excluded, you must ask to be excluded from the Class. If you exclude yourself from the Class—which means to remove yourself from the Class and is sometimes called “opting-out” of the Class—you will not be legally bound by any past, present, or future Court orders or judgments in this Action, and will keep any right you may have to individually sue Defendants in the future for these claims. However, if you exclude yourself, you also will not get any money or any other benefits from this lawsuit, if there are any. If you start your own lawsuit against Defendants after you exclude yourself, you will have to prove your claims. Please note that if you decide to exclude yourself from the Class, you should consult with an attorney and discuss whether your individual claim may be time-barred by the applicable statutes of limitations.

THE LAWYERS REPRESENTING THE CLASS

8. Do I have a lawyer in this case?

Yes. The Court has appointed Class Counsel to represent you and other Settlement Class Members. In this case, Class Counsel are Daniel P. Stevens and Heather K. McMillan of the law firm Stevens & McMillan. You will not be charged for these lawyers.

1 Unless you hire your own personal lawyer, as a Class Member you will not have any obligation to
2 pay any of the costs of this lawsuit. In the event there is a recovery by the Class, all costs and
3 expenses, including Class Counsel’s attorneys’ fees, will be paid from that recovery in an amount
4 that is approved by the Court. If there is no recovery, Class Counsel will not receive any
5 attorneys’ fees or expenses.

9. If I am a Class Member, can I get my own lawyer?

6 You do not need to hire your own lawyer, because Class Counsel are already working on your
7 behalf. However, you have the right to retain your own personal lawyer at your own expense. If
8 you retain separate counsel to represent you in this case, your counsel must enter an appearance
9 on your behalf by filing a Notice of Appearance with the Court and mailing it to Class Counsel.

10. How will Class Counsel be paid?

10 If Class Counsel recovers any money for the Class, they will ask the Court for payment of their
11 fees and reimbursement of their litigation costs. If the Court grants Class Counsel’s request, the
12 fees and expenses may be deducted from any money obtained for the Class or paid separately by
13 Defendants.

11. GETTING MORE INFORMATION

14 If you want more detailed information, you may visit the website, [SITE] where you will find the
15 Court’s Order re: Plaintiff’s Motion for Class Certification. You may also contact Class Counsel
16 or by contacting CPT Group (the “Administrator”) at [TOLL FREE NUMBER]. Please do not
17 call or write the Court.

12. What if my address has changed?

18 If this Notice was mailed to you at an old address, or if you move, please advise the
19 Administrator of your current address so that you can receive any future notices. Any change to
20 your address should be mailed to:

21 CPT Group
22 50 Corporate Park, Irvine CA 92606
23 Attn: Andrikos Case Administrator

24 Dated: [Date]

25 BY ORDER OF THE COURT
26 UNITED STATES DISTRICT COURT
27 CENTRAL DISTRICT OF CALIFORNIA
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CERTIFICATE OF SERVICE

ANDRIKOS, et al. v. PACIFIC MARITIME ASSOCIATION, et al.
2:19-cv-10421 GW(JCx)

I am over the age of 18 and not a party to the within action. I am employed in the County of Orange, State of California; my business address is 335 Centennial Way, Tustin, California 92780.

On the date set forth below, I caused to be electronically filed the following document(s) described as:

[PROPOSED] ORDER RE JOINT STIPULATION GRANTING APPROVAL OF CLASS ACTION CERTIFICATION NOTICE TO CLASS MEMBERS

BY CM/ECF SYSTEM: I caused the above-referenced document(s) to be sent by electronic transmittal to the Clerk’s Office using the CM/ECF System for filing which generated a Notice of Electronic Filing to the CM/ECF registrants in this case listed below:

Cliff Sethness Shari Sanders MORGAN, LEWIS & BOCKIUS LLP 300 South Grand Ave., 22nd Floor Los Angeles, CA 90071-3132 <i>clifford.sethness@morganlewis.com</i> <i>csethness@morganlewis.com</i> <i>shari.sanders@morganlewis.com</i> <i>Attorneys for Defendants</i>	Eric Meckley MORGAN, LEWIS & BOCKIUS LLP One Market Spear Street Tower San Francisco, CA 94105-1596 <i>eric.meckley@morganlewis.com</i> <i>Attorneys for Defendants</i>
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I declare that I am employed in the office of a member of the State Bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 15, 2022 Tustin, California.

 /s/ Stacey Craun
Stacey Craun