

TENTATIVE RULINGS

JUDGE RANDALL J. SHERMAN

DEPARTMENT CX105

FEBRUARY 3, 2023

Appearances, whether remote or in person, must be in compliance with Code of Civil Procedure §367.75, California Rules of Court, Rule 3.672, and Superior Court of California, County of Orange, Appearance Procedure and Information, Civil Unlimited and Complex, located at https://www.occourts.org/media-relations/covid/Civil_Unlimited_and_Complex_Appearance_Procedure_and_Information.pdf. Unless the court orders otherwise, remote appearances will be conducted via Zoom through the court's online check-in process, available at <https://www.occourts.org/media-relations/civil.html>. Information, instructions and procedures to appear remotely are also available at <https://www.occourts.org/media-relations/aci.html>. Once online check-in is completed, counsel and self-represented parties will be prompted to join the courtroom's Zoom hearing session. Participants will initially be directed to a virtual waiting room while the clerk provides access to the video hearing.

Court reporters will not be provided for motions or any other hearings. If a party desires a court reporter for a motion, it will be the responsibility of that party to provide its own court reporter. Parties must comply with the court's policy on the use of pro tempore court reporters, which can be found on the court's website at www.occourts.org/media/pdf/Private_Retained_Court_Reporter_Policy.pdf.

If you intend to submit on the tentative ruling, please advise the other parties and the court by calling (657) 622-5305 by 9:00 a.m. on the hearing date. Make sure the other parties submit as well before you forgo appearing, because the court may change the ruling based on oral argument. Do not call the clerk about a tentative ruling with questions you want relayed to the court. Such a question may be an improper ex parte communication.

#	Case Name & No.	Tentative Ruling
1	Salucci vs. Amada Senior Care, Inc. 2015-00778081	The tentative ruling is to continue the Final Report Hearing to January 26, 2024 at 10:00 a.m., for confirmation that the amount of the uncashed checks has been delivered to the State Controller's Office Unclaimed Property Fund in the names of the applicable payees. A declaration from the Administrator must be filed at least 16 days before the new hearing date. Plaintiff is ordered to give notice to defense counsel unless notice is waived.
2	Tran vs. Thales Avionics, Inc. 2018-00994123	Plaintiffs have shown that the Administrator's work is complete, and that the court's file may now be closed. Plaintiffs are ordered to give notice to defense counsel unless notice is waived.
3	Fenn Termite and Pest Control, Inc. vs.	Cross-Complainant Jason Shelton's Motion for Final Approval of Class Action Settlement and Motion for an

	Shelton 2018-01013880	Award of Attorneys' Fees, Costs, and Enhancement Award to Jason Shelton are granted. The court concludes that the \$662,500.00 class action and PAGA settlement is fair, adequate and reasonable, and approves the following specific awards: • \$265,000.00 to cross-complainant's counsel for cross-complainant's attorneys' fees, as requested; • \$18,642.00 to cross-complainant's counsel for cross-complainant's litigation costs, as requested; • \$15,000.00 to cross-complainant Jason Shelton as an enhancement award, as requested; • \$6,000.00 to the Administrator, Phoenix Settlement Administrators, as requested; and • \$49,687.50 to the LWDA for its share of PAGA penalties, as requested. The total amount that will be payable to all class members and aggrieved employees if they are paid the amount to which they are entitled pursuant to the judgment is \$308,170.50. The court sets a Final Report Hearing for November 3, 2023 at 10:00 a.m., to confirm that distribution efforts are fully completed, including the distribution of the amount of the uncashed class member checks to the State Controller's Office Unclaimed Property Fund in the names of the applicable payees after 180 days, that the Administrator's work is complete, and that the court's file thus may be closed. The parties must report to the court the total amount that was actually paid to the class members. All supporting papers must be filed at least 16 days before the Final Report Hearing date. Cross-complainant is ordered to give notice of the ruling to the LWDA and to all parties.
4	McCray vs. Los Alamitos Race Course 2020-01131139	The tentative ruling is to continue the hearing on plaintiff's Motion for Final Approval of Class Action Settlement; Enhancement Award; Reasonable Attorneys' Fees and Costs to April 28, 2023 at 10:00 a.m. Counsel must file supplemental papers addressing the court's concerns (not fully revised papers that would have to be re-read) at least 16 days before the next hearing date. Plaintiff has not submitted his attorneys' bills or a detailed hourly breakdown of his attorneys' hours to support the court's review of the attorneys' fees request. The summary information in ¶22 of the Declaration of James A. De Sario is insufficient to support a lodestar cross-check of the fee request, which the court requires in its discretion. A detailed hourly breakdown of plaintiff's attorneys' hours is required. Plaintiff has not submitted his attorneys' bills or a detailed breakdown of his attorneys' costs to support the court's review of the costs request. The summary information in ¶28 of the Declaration of James A. De Sario disclosing only categories of cost items is

		insufficient. Each cost item must be disclosed. A copy of counsel's bills should satisfy this requirement. Plaintiff must submit an amended Proposed Order that also identifies itself as a Judgment, that identifies the putative class member who opted out and thus will not be bound by the judgment, and that provides how the parties will comply with CRC Rule 3.771(b), which states: "Notice of the judgment must be given to the class in the manner specified by the court." The notice may be posted on the administrator's website, as set forth in ¶17 of the class notice. Plaintiff has not shown that he served the LWDA with his moving papers. Plaintiff is ordered to give notice of the ruling to the LWDA and to defendant, to serve the LWDA with his original moving papers as well as any new papers filed for future hearings, and to file a proof of service showing such compliance.
5	Saavedra vs. Evergreen Alliance Golf Limited, L.P. 2021-01200991	
6	Chingofor vs. Attentive Home Care, Inc. 2021-01220181	
7	Aresh vs. Hunt 2018-00982195	
8	Aresh vs. Mikles 2012 Irrevocable Trust 2021-01180402	
9	Henkin vs. Mikles 2021-01186203	
10	Hunter vs. The Irvine Company 2018-01009750	
11	Trowbridge vs. Newport Financial Group, Inc. 2019-01120722	
12	Vaughen vs. Newport Financial Group, Inc. 2020-01152672	
13	Utzman vs. County of Orange 2020-01174005	