

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
GORDON D SCHABER COURTHOUSE

MINUTE ORDER

DATE: 01/18/2022

TIME: 09:00:00 AM

DEPT: 54

JUDICIAL OFFICER PRESIDING: Christopher Krueger

CLERK: G. Toda

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: N. Alvi, J. Reilly

CASE NO: **34-2020-00287380-CU-OE-GDS** CASE INIT.DATE: 10/20/2020

CASE TITLE: **Davenport vs. Gary Krezman Electric, Inc.**

CASE CATEGORY: Civil - Unlimited

EVENT TYPE: Motion - Other - Civil Law and Motion

APPEARANCES

Amir H Seyedfarshi, counsel, present for Plaintiff(s) remotely via video.

Niki Lubrano, counsel, present for Defendant(s) remotely via video.

Nature of Proceeding: Motion for Final Approval of Class Action Settlement

TENTATIVE RULING

APPEARANCE REQUIRED.

Plaintiffs' motion for final approval of class action and PAGA settlement is ruled on as follows.

The notice of motion again does not provide notice of the Court's tentative ruling system, as required by Local Rule 1.06. Moving counsel is directed to contact opposing counsel and advise him/her of Local Rule 1.06 and the Court's tentative ruling procedure and the manner to request a hearing.

The 20-page moving memorandum of points & authorities does not comply with CRC Rule 3.1113(d) and plaintiffs did not comply with CRC Rule 3.1113(e) even though the Court's 8/11/2021 Minute Order explicitly stated: "**Moving...papers [for final approval] shall...comply with all applicable Rules of Court.**" (Underline and bold in original.) Moving counsel is advised that papers filed in the future which do not comply with the Rules of Court may be stricken.

This is a putative class and representative action alleging the defendant employer violated a number of wage-and-hour provisions of the Labor Code. The putative class is defined as all non-exempt employees who worked for defendant from 10/20/2016 through 8/11/2021. The parties have negotiated a settlement of the claims being advanced, whereby defendant will pay a Gross Settlement Amount of \$200,000 (with no reversion to defendant). This Court preliminarily approved the settlement on 8/11/2021 and from the \$200,000 settlement, the following amounts will be deducted:

- Plaintiffs' attorneys to receive fees of \$66,666.67 (33%) plus litigation costs of \$9,816.
- The two class representatives will each receive a service payment of \$10,000.

- Fees to the claims administrator, ILYM Group, of \$3,000.
- \$20,000 of the settlement proceeds will be allocated to PAGA claims, with LWDA receiving \$15,000 and the aggrieved employees receiving \$2,500. (The parties gave notice of the settlement to the LWDA on 7/20/2021.)

Following preliminary approval, notice of settlement was provided to 28 putative class members. After the return of six (6) undeliverable notice packets, the Claims Administrator obtained updated addresses and re-mailed those six notice packets and none has been returned as undeliverable. The putative class members will on average receive a payment of roughly \$3,050 and any settlement check not cashed by the deadline shall be sent to the California State Controller for deposit into the Unclaimed Property Fund in the name of the class member.

Provided that no objection is asserted by any class member at or before the hearing on this matter, the Court anticipates granting final approval of this proposed settlement and signing the proposed order submitted with the moving papers.

The Court retains jurisdiction over this matter pursuant to Code of Civil Procedure §384 and to verify fulfillment of the parties' settlement obligations, a status conference shall be held on 10/5/2022 at 9:00 a.m. in this department. The parties shall file and serve written status reports no later than 9/14/2022.

This minute order is effective immediately. No formal order or other notice is required. (Code Civ. Proc. §1019.5; CRC Rule 3.1312.)

COURT RULING

There being no objection by any party, the Court affirmed the tentative ruling. The Court set the status conference for 10/5/2022 at 9:00 a.m. in this department. Written status reports due by 10/14/2022.

The Status Conference - Civil Special Sets status conference is scheduled for 11/09/2022 at 09:00 AM in Department 54.