

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE**

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| <b>Tellez, Rodolfo</b><br>Plaintiff/Petitioner,<br><br>vs.<br><br><b>Sun Valley Raisins, Inc.</b><br>Defendant/Respondent.                           | Jud. Officer: <b>Nathan Ide</b><br>Clerk: <b>Martha Gomez</b><br>Bailliff:<br>CSR: <b>Naomi Johnson</b><br>Interpreter:<br>Language: |
| Minutes: <b>Motion for Final Approval Class Action and PAGA Settlement, Attorneys' Fees, Costs, Service Awards and Claims Administration Hearing</b> | Case No. <b>VCU284414</b><br><br><b>Department 02</b>                                                                                |
| Date: <b>March 20, 2023</b>                                                                                                                          | Related Cases:                                                                                                                       |

Appearances: ☒ No Appearances

**Motion:** Motion for Final Approval Class Action and PAGA Settlement, Attorneys' Fees, Costs, Service Awards and Claims Administration

No requests for oral argument presented.

**ORDER: The Court adopts the Tentative Ruling as the Order of the Court as follows:**

To grant the motion, approve the final class action settlement including fees, costs and service awards. Final Compliance Hearing is set for September 18, 2023, 8:30 am in Department 2.

Plaintiff's motion for final approval of class action and PAGA settlement, attorneys' fees, costs, enhancement award, LWDA payment and class certification for settlement purposes came on for hearing on March 13, 2023. The Court finds and rules as follows:

On February 17, 2023, the settlement administrator Phoenix Settlement Administrators, through its Case Manager, filed a declaration detailing the following events.

On September 27, 2022 the administrator received a mailing list of 54 potential class members from Defendant's counsel with names, contact information, social security numbers and relevant employment information.

On October 3, 2022, after the administrator processed the names through the National Change of Address Database and updated the list with any updated addresses located, the administrator sent Notice by mail. Some 5 notices were returned undeliverable and only 4 notices were updated. The administrator remailed the Notices to those updated addresses.

Class members had sixty (60) days, until December 2, 2022, to submit objections, disputes and/or requests for exclusions. Zero (0) requests for exclusion and zero (0) valid objections have been received from class members. There are no outstanding disputes according to the administrator. A total of 54, or 100% of the class members will participate in the settlement, with zero objections and zero requests for exclusion.

The court presumes the settlement is fair and reasonable given (a) that it was reached through arms-length bargaining at mediation, (b) that there was sufficient time for investigation and discovery since commencement of litigation on September 23, 2020 (c) class counsel have particularized experience with the claims at issue in the

case, and (d) there appear to be no objections by any party or class members. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4<sup>th</sup> 1794, 1802.)

The Court believes basic information about the nature and magnitude of the claims in question and the basis for concluding that the consideration being paid for the release of those claims represents a reasonable compromise under the circumstances, in accordance with *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4<sup>th</sup> 116, 133. This case involved extensive informal discovery and investigation of disputed claims, including review and analysis by Plaintiff's expert. The settlement avoids significant risks and delay that would result from further litigation of the case, which would include, amongst other matters, certification proceedings, trial, and the possibility of further delay and cost resulting from appeals.

Class counsel has provided a declaration in support of the requests for attorney fees representing 33 1/3% of the gross settlement fund of \$92,110.00 or \$30,703.33. Adequate information has been provided for a lodestar analysis of the attorneys' fees request, and class counsel represents the requested fee award is justified under that analysis with a multiplier of .68. Counsel has provided a total number of hours in support of the fee request and explained why the fee request is reasonable given the time spent and value of the legal work performed.

Counsel Yang indicates that he has spent 61.9 hours on this case, at a rate of \$725 per hour totaling a lodestar of \$44,877 resulting in negative multiplier of .68. (Declaration of Yang ¶7.) Therefore, the Court approves fees of \$30,703.33 as requested and previously preliminarily approved.

Counsel has additionally provided sufficient cost information indicating actual costs incurred by in the amount of \$5,909.03 (Declaration of Yang ¶9.) The Court previously approved costs not to exceed \$8,000.00.

The Court believes the requested attorney fees and costs appear reasonable under the circumstances. Additionally, counsel has provided a sufficient declaration to demonstrate adequate previous experience with class actions to further support the reasonableness of the award.

The settlement administrator has provided, in the declaration describing the work it has performed on the case a value of services of \$4,000, which is the amount that was estimated in the motion for preliminary approval. The court believes the amount requested as compensation for the administrator appears reasonable.

The settlement agreement designates California Controller's Office as recipient of unclaimed settlement proceeds. (Code Civ. Proc. § 384.)

In support of the request for enhancement award to the class representative, Plaintiff has provided a declaration describing his participation. The class representative engaged in efforts in connection with this case, including gathering documents, providing guidance regarding work performed by other employees, communicating with other employees, answering questions, reviewing documents, attending mediation and discussing potential settlement. The Court previously approved a representative payment of \$5,000 and believes that the requested class representative payment of \$5,000 is appropriate under the circumstances.

Finally, the Court confirms its conditional certification of the settlement class. The Court finds no significant events have occurred that would cause it to change its prior determination that the settlement class met all requirements under Code of Civil Procedure section 382 for certification for settlement purposes at the time it granted Plaintiff's motion for preliminary approval.

On review of the declarations and pleadings submitted, the Court finds, given the established presumption that the settlement is fair and reasonable under the circumstances of this case, and, particularly, given the absence of any objection or opposition following the class notice, that the settlement is fair and reasonable and that the motion for final approval should be, and is hereby, granted.

The Court therefore approves the following deductions from the gross settlement of \$92,110.00 as follows:

|                                       |              |
|---------------------------------------|--------------|
| Court Approved Attorney Fees (33.3%): | \$ 30,703.33 |
| Attorney Costs (up to):               | \$ 5,909.03  |
| Enhancement Payment to Plaintiff:     | \$ 5,000.00  |
| Settlement Administrator Costs        | \$ 4,000.00  |

|                                     |                     |
|-------------------------------------|---------------------|
| PAGA Payment to the LWDA            | \$ 7,620.00         |
| PAGA Payment to Aggrieved Employees | \$ 2,540.00         |
| <b>Net Settlement Amount</b>        | <b>\$ 36,337.64</b> |

The Court shall enter its order of final approval and judgment in this case on the proposed form submitted by plaintiff on February 17, 2023, and orders that notice of entry of judgment be given as provided in the judgment following entry thereof. Final Compliance Hearing is set for September 18, 2023, 8:30 am in Department 2.

If no one requests oral argument, under Code of Civil Procedure section 1019.5(a) and California Rules of Court, rule 3.1312(a), no further written order is necessary. The minute order adopting this tentative ruling will become the order of the court and service by the clerk will constitute notice of the order.

Clerk to provide notice to parties by mail.

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE**

Visalia Division  
221 S Mooney Blvd, Room 201  
Visalia, CA 93291  
559.730.5000

**Tellez, Rodolfo**  
Plaintiff/Petitioner,

vs.

**Sun Valley Raisins, Inc.**  
Defendant/Respondent.

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) Case No. **VCU284414**  
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**CLERK'S CERTIFICATE OF SERVICE**

I certify that I am not a party to this cause.

I certify that I caused the minute order dated March 20, 2023 to be served on the persons listed below in the following manner:

☒ BY MAIL: I placed the documents for collection and mailing on the date shown, so as to cause it to be mailed in a sealed envelope with postage fully prepaid on that date following standard court practices to the persons and addresses shown. The mailing and this certification occurred at Visalia, California on March 20, 2023.

STEPHANIE CAMERON,  
CLERK OF THE SUPERIOR COURT  
COUNTY OF TULARE

By   
Martha Gomez, Deputy Clerk

Names and Mailing/E-Mail Address of Person(s) Served:

JUSTIN CAMPAGNE  
1685 N HELM AVE  
FRESNO, CA 93727

LARRY LEE  
DIVERSITY LAW GROUP, P.C.  
515 S FIGUEROA ST, STE 1250  
LOS ANGELES, CA 90071