

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Tellez, Rodolfo Plaintiff/Petitioner,		Jud. Officer: Nathan Ide
vs.		Clerk: Martha Gomez
		Bailiff:
		CSR: Danette Hendrix
		Interpreter:
		Language:
SUN VALLEY RAISINS, INC. Defendant/Respondent.		
Minutes:	Continued Motion for Preliminary Approval Of Class Action and PAGA Settlement	Case No. VCU284414
Date:	September 12, 2022	Department 02
Appearances: ☒ No Appearances		Related Cases:

Motion: Continued Motion for Preliminary Approval of Class Action and PAGA Settlement

No requests for oral argument presented.

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

The Court previously denied the motion without prejudice based upon lack of sufficient information as to the notice period, attorneys' fees and costs, information in further support of Plaintiff's proposed enhancement award and proof of submission of the settlement to the LWDA. Counsel for Plaintiff has submitted a supplemental declaration addressing these issues. Accordingly, the motion to approve the settlement is approved. The final approval hearing on this matter is set to **March 13, 2023 at 8:30 a.m. in Department 2** of this court.

1. Class Notice

Objections or opt out notices are to be made within 60 days. The Court regularly approves notice periods of 60 days or longer. The class notice period is approved.

2. Enhancement Awards to Class Representatives

The Court approves the enhancement award of \$5,000 to Plaintiff.

3. Attorneys' Fees and Costs

Attorneys' fees of 33 1/3% of the gross settlement fund of \$92,110.00 or \$30,703.33 and costs not to exceed \$8,000.00 are sought by Plaintiff's counsel. Counsel has utilized the percentage of common fund methodology as well as provided adequate lodestar information to evaluate the reasonableness of the fee request.

Here, Counsel Yang indicates that he has spent 61.9 hours on this case, at a rate of \$670 per hour totaling a lodestar of \$43,330 resulting in negative multiplier of .61. (Declaration of Yang ¶¶ 5, 6.) The Court preliminarily approves the fees based upon this information.

Counsel has also provided the current costs expended in an amount of \$5,581.63 (Declaration of Yang ¶ 7.) The Court preliminarily approves costs not to exceed \$8,000.00.

4. LWDA Notice

A sufficient declaration indicates confirmation from the LWDA of receipt of proof of submission of the proposed settlement agreement. (Lab. Code, § 2699, subd. (l)(2). (Declaration of Yang ¶2 – Exhibit 2.)

Therefore, the Court preliminarily 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):	\$ 8,000.00
Enhancement Payment to Plaintiff:	\$ 5,000.00
Settlement Administrator Costs:	\$ 4,000.00
<u>PAGA payment to the LWDA:</u>	<u>\$ 7,620.00</u>
Net Settlement Amount	\$ 36,786.67

Accordingly, the motion to approve the settlement is approved. The final approval hearing on this matter is set to **March 13, 2023 at 8:30 a.m.in Department 2** of this court.

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.

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

Case No. **VCU284414**

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 September 12, 2022 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 September 12, 2022.

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
A PROFESSIONAL CORPORATION
AIRPORT OFFICE CENTER
11685 N HELM AVE
FRESNO, CA 93727

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