

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SOLANO**

**LOUIS WEYBREW, AS AN INDIVIDUAL AND ON BEHALF OF ALL
OTHERS**

Case No. **FCS055658**

vs.

MINUTE ORDER – CIVIL

BEI CONSTRUCTION INC

Date: **04-NOV-2021**

Judge: **E. BRADLEY NELSON**

APPEARANCES:

**JUDGE - E. BRADLEY NELSON
COURT REPORTER - SARAH MARTINEZ
COURTROOM CLERK - JESSICA DEARMON**

On Calendar for: **MOTION**

Minutes:

Case is called.

No appearances are made.

The court adopts the Tentative Ruling of November 4, 2021 as the official order of the court as follows;

Motion for Preliminary Approval of Class Action Settlement,

TENTATIVE RULING

The motion for preliminary approval is granted with qualifications. Given that the gross settlement amount was arrived at during an all-day mediation through a neutral third party mediator, and that defendant took pre-filing steps to attempt to cure the alleged violations, it appears to be fair and reasonable. However, the proposed enhancement payment of \$10,000.00 to the only named class representative (Mr. Weybrew) appears to be excessive. His declaration is devoid of any details about the time and effort he actually put in to assist class counsel, and he reached his own settlement agreement regarding his individual claims, the details of which are not before the court. Also, the gross settlement amount appears to be less than 10% of Plaintiff's calculation of Defendant's maximum exposure. In light of those observations the court is considering approving an enhancement payment of \$5,000.00 instead. With respect to attorney's fees, a fee of 33 1/3% on its face appears to be reasonable given the contingent nature of the risk class counsel took. However, no lodestar cross-check/comparison numbers were included. Counsel will need to submit such comparison numbers in connection with any final approval motion.

The court sets the final approval hearing for Jan. 31, 2022, at 9:00 a.m. in Dept. 4. The deadline for plaintiff(s) to file the Motion for Final Approval will be Jan. 17, 2022.