

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 11/09/2023

TIME: 10:30:00 AM

DEPT: C-70

JUDICIAL OFFICER PRESIDING: Carolyn Caietti

CLERK: Morgan Acosta

REPORTER/ERM: Natalie Khamis CSR# 14260

BAILIFF/COURT ATTENDANT: J. Palomo

CASE NO: **37-2021-00045276-CU-OE-CTL** CASE INIT.DATE: 10/22/2021

CASE TITLE: **Parekh vs Collection Sites LLC [E-FILE]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

MOVING PARTY: Titiksha Parekh, Patricia Martinez

CAUSAL DOCUMENT/DATE FILED: Motion for Approval of Class Settlement, 10/16/2023

APPEARANCES

Amir Seyedfarshi, counsel, present for Plaintiff(s) via remote audio conference.

SCOTT E WHEELER, counsel, present for Plaintiff(s).

Ori Edelstein, counsel, present for Plaintiff(s).

Philippe M Gaudard, counsel, present for Plaintiff(s).

Sander van der Heide, counsel, present for Defendant(s).

The Court hears argument of Counsel.

The Court CONFIRMS the tentative ruling as follows:

The Court will hear from the parties on the estimated net settlement amount.

Plaintiffs Titiksha Parekh, Patricia Martinez Orozco, Fatima Galvan, Rosario Zavala Martinez and Maria Lozano's unopposed Motion for Preliminary Approval of Class Action Settlement is **GRANTED**.

The motion for final approval will be heard on March 1, 2024, at 10:30 a.m. in Department 70. Please provide a courtesy copy of the motion papers to Department 70.

Discussion

The proposed class is defined as "all persons employed by Collection Sites, LLC and/or Medivolve, Inc. in an hourly, non-exempt position in California from June 17, 2017, through November 18, 2022. (ROA 64 – Declaration of Carolyn Hunt Cottrell, at ¶ 58 & Ex. 1 "Stipulation" at, ¶¶ 10, 11.)

The Class consists of an estimated 706 members who worked an estimated 14,510 workweeks.

The proposed PAGA members are defined as "all persons employed by Collection Sites, LLC and/or Medivolve, Inc. in an hourly, non-exempt position in California from June 17, 2020, through November 18, 2022. (Cottrell Decl., at ¶ 59 & Stipulation, at ¶¶ 28-29.)

The proposed total settlement is \$1,200,000. The settlement will be allocated as: (1) attorney fees of \$420,000 (35% of the gross settlement amount); (2) litigation expenses of \$29,423.31; (3) settlement administration expenses of \$22,750; (4) a total class representative incentive award of \$60,000 (\$12,000 x 5 Plaintiffs); and (5) a \$75,000 PAGA payment, 75% of which will be paid to the LWDA [\$56,250] and 25% will be paid to eligible members of the class [\$18,750].

The parties estimate the net settlement amount to be \$572,250.

The Court reviewed the moving papers, supporting declarations, and settlement, and finds the proposed settlement to be fair, adequate and reasonable for purposes of preliminary approval. (See e.g., *Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1800–1801; *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 128.) Notable settlement provisions include that the settlement is non-reversionary and class members do not need to submit a claim to receive their share of the settlement funds. The parties' reached settlement after extensive discussions between counsel, production of information and Defendant's records and two mediations. There is no opposition to the motion.

The proposed settlement preliminarily meets the requirements for class certification under C.C.P. section 382. (Cottrell Decl., at ¶¶ 80-85.)

The class notice appears to include all relevant information and provides class members sufficient time to request exclusion or submit an objection (60 days). (Cottrell Decl., at ¶¶ 86-91, Ex. B.) The Court approves the class notice.

The Court appoints Plaintiffs Maria Lozano, Titksha Parekh, Fatima Galvan, Patricia Martinez and Rosario Zavala Lopez as Class Representatives.

The Court appoints Schneider Wallace Cottrell Konecky LLP, Employment Rights Law Group APC, W Employment Law APC and Law Offices of Scott Ernest Wheeler as Class Counsel.

The Court approves ILYM Group, Inc. as the settlement administrator.

The released claims appear to be appropriately tethered to the Second Amended Complaint's factual allegations and do not extend beyond the scope of its allegations. (*Amaro v. Anaheim Arena Management, LLC* (2021) 69 Cal.App.5th 521, 538.)

The PAGA portion of the settlement also appears fair, reasonable and adequate in terms of PAGA's purposes to remediate present labor law violations, deter future ones and to maximize enforcement of state labor laws. (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77.) Plaintiff gave notice to the LWDA of this lawsuit and the proposed settlement. (Cottrell, at ¶ 13-14 & Joint Stip., at ¶ 2.2; ROA 63 – Proof of Service.)

In addition, the settlement does not appear to be outside the ballpark of reasonableness. (Cottrell Decl., at ¶¶ 26-39.) The reasonableness of the settlement is preliminarily established after consideration of the risks inherent in litigation, including through potential trial. (*Ibid.*)

Conclusion

For the reasons stated, the preliminary approval motion is **GRANTED**.

Plaintiffs are ordered to provide an updated proposed order that: (i) corrects the reference of Exhibit A as the Class Notice (the class notice is attached as Exhibit B to the Agreement; (ii) reflect the department number to be Department 70; (iii) add the proposed class definitions; and (iv) add the final approval hearing date of March 1, 2024, at 10:30 a.m. in Department 70. This will be the Court's final order on the motion.

For final approval, the Court expects to be informed of the final hours worked and hourly rates billed by Plaintiffs' counsel, the total attorney fees, costs and settlement administration expenses sought, as well as the total amount of time expended and tasks completed by the Class Representatives on the case.

The parties are reminded to provide courtesy copies of all motion paperwork.

IT IS SO ORDERED.

Carolyn M. Caietti

Judge Carolyn Caietti