

SUPERIOR COURT OF CALIFORNIA - COUNTY OF FRESNO Civil Department - Non-Limited		Entered by:
TITLE OF CASE: Joey Reyes vs. Valley Chrome Plating, Inc. / COMPLEX / CLASS ACTION		
LAW AND MOTION MINUTE ORDER		Case Number: 22CECG01415

Hearing Date:	July 25, 2024	Hearing Type:	Motion - Final Approval Class Settlement
Department:	502	Judge:	Culver Kapetan, Kristi
Court Clerk:	Gonzalez, Estela	Reporter:	Not Reported

Appearing Parties:	
Plaintiff:	Defendant:
Counsel: Emi Minne – via zoom	Counsel: Savana Ciavatta – via zoom

☐ Off Calendar

☐ Continued to ☐ Set for ___ at ___ Dept. ___ for ___

☒ Plaintiff's counsel timely requests oral argument. ☒ Matter is argued and submitted.

☐ Upon filing of points and authorities.

☐ Motion is granted ☐ in part and denied in part. ☐ Motion is denied ☐ with/without prejudice.

☒ Tentative ruling is adopted with modifications and becomes the order of the court. See attached copy of the Tentative Ruling.

☒ A Status Conference is set on 07/17/2025 at 3:30pm in Dept 502.

☒ Pursuant to CRC 3.1312(a) and CCP section 1019.5(a), no further order is necessary. The minute order adopting the tentative ruling serves as the order of the court.

☒ Remote appearances for future hearings must be approved by the Court. Parties are required to e-file Judicial Council forms RA-010 & RA-020 by no later than one week prior to the hearing.

☒ Service by the clerk will constitute notice of the order.

☐ Judgment debtor ___ sworn and examined.

☐ Judgment debtor ___ failed to appear.
Bench warrant issued in the amount of \$ ___

JUDGMENT:

☐ Money damages ☐ Default ☐ Other ___ entered in the amount of:
Principal \$___ Interest \$___ Costs \$___ Attorney fees \$___ Total \$___
☐ Claim of exemption ☐ granted ☐ denied. Court orders withholdings modified to \$___ per ___

FURTHER, COURT ORDERS:

☐ Monies held by levying officer to be ☐ released to judgment creditor. ☐ returned to judgment debtor.
☐ \$___ to be released to judgment creditor and balance returned to judgment debtor.
☐ Levying Officer, County of ___, notified. ☐ Writ to issue
☐ Notice to be filed within 15 days. ☐ Restitution of Premises
☐ Other: ___

(20)

Tentative Ruling

Re: **Joey Reyes v. Valley Chrome Plating, Inc.**
Superior Court Case No. 22CECG01415

Hearing Date: July 25, 2024 (Dept. 502)

Motion: Motion for Final Approval of Class Settlement

Tentative Ruling:

To grant final approval of the settlement and certification of the class, as set forth in the proposed Judgment and Order submitted, except \$396,305 is awarded for attorneys' fees, and \$5,000 for enhancement payment to plaintiff. A revised proposed order shall be submitted to this department, with all dollar amounts filled in, within 5 days of the clerk's service of this order.

To set a hearing at July 17, 2025, at 3:30 p.m. in Department 502 as a hearing date for an Amended Judgment pursuant to Code of Civil Procedure section 384. A verified report of payouts of settlement funds and a proposed amended judgment shall be submitted no later than July 3, 2025.

Explanation:

"Before final approval, the court must conduct an inquiry into the fairness of the proposed settlement." (Cal. Rules of Court, rule 3.769(g).) "The trial court has broad discretion to determine whether a class action settlement is fair. It should consider factors such as the strength of plaintiffs' case; the risk, expense, complexity and likely duration of further litigation; the risk of maintaining class action status through trial; the amount offered in settlement; the extent of discovery completed and the stage of the proceedings; the experience and views of counsel; the presence of a governmental participant; and the reaction of the class members to the proposed settlement." (Reed v. United Teachers Los Angeles (2012) 208 Cal.App.4th 322, 336.)

The court has already considered these factors and found the settlement to be fair and reasonable.

As a general rule, the lodestar method is the primary method for calculating the amount of class counsel's attorney's fees; however, the percentage-of-the benefit approach may be proper when there is a common fund. In some cases, it may be appropriate, when the monetary value of the class benefit can be determined with a reasonable degree of certainty, such as this one, for the judge to cross-check or adjust the lodestar amount in comparison to a percentage of the common fund to ensure that the fee awarded is reasonable and within the range of fees freely negotiated in the legal marketplace in comparable litigation. (See *Laffitte v. Robert Half Int'l, Inc.* (2016) 1 Cal.5th 480, 488–497; *Roos v. Honeywell Int'l, Inc.* (2015) 241 Cal.App.4th 1472, 1490–1494; *In re Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 557.)

The lodestar analysis is based on a "careful compilation of the time spent and reasonable hourly compensation of each attorney . . . involved in the presentation of the case." (*Serrano v. Priest* (*Serrano III*) (1977) 20 Cal.3d 25, 48.) As our Supreme Court has repeatedly made clear, the lodestar consists of "the number of hours *reasonably expended* multiplied by the *reasonable* hourly rate. . . ." (*PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095, italics added; *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1134.)

Reasonable hourly compensation is the "hourly prevailing rate for private attorneys in the community conducting noncontingent litigation of the same type" (*Ketchum v. Moses*, *supra*, 24 Cal.4th at p. 1133, emphasis added.)

Pursuant to the settlement agreement, counsel requests a fee award of \$420,000, which amounts to 35% of the gross settlement. In granting preliminary approval of the settlement, the court directed plaintiff's counsel to submit a fully supported lodestar analysis.

Counsel says the firm Parker & Minne has spent 204.9 hours litigating this action at the rate of \$750 per hour, for a current lodestar of \$153,675. (Minne Decl., ¶¶ 58, 59.) Billing details have been provided. The firm Lawyers for Justice spent 230.6 hours on the case, and a Task and Time Chart is attached to the declaration. (Ghosh Decl., ¶ 9, Exh. A.) The proposed lodestar is based on a blended hourly rate of \$800 per hour for the Lawyers for Justice firm, resulting in a lodestar for the firm of \$184,480, and total lodestar for the two firms of \$338,155, well shy of the \$420,000 sought.

The court requested further information supporting the blended rate requested by Lawyers for Justice. Counsel submitted a supplemental declaration claiming that attorneys bill at rates of \$1,495 and \$1,295 for the two shareholders who did the bulk of the work on the case, and varying rates ranging from \$575 to \$850 for associate work.

These exorbitantly high billing rates are not supported by any evidence, and the court finds them to be unreasonable. The court will approve a \$700 per hour blended rate for both firms, resulting in a lodestar of \$396,305. Applying a 1.3 multiplier to account for the contingent nature of the representation and risk of not being compensated, the court will approve an allocation of \$396,305 to attorneys' fees, to be split between the two firms in proportion to the hours worked on the matter. *accordance with the firm's fee sharing agreement. (Kck)*

The litigation costs of \$19,810.57 (less than the \$30,000 provided for in the Settlement Agreement) are documented at Exhibit B to the Ghosh Declaration, and Exhibit B to the Supplemental Gosh Declaration. The court approves the costs as incurred.

Plaintiff requests a \$7,500 enhancement payment. The court finds that \$5,000 would generously compensate plaintiff for his efforts and time expended, and risks taken in pursuing this action.

The settlement administration expense is approved as requested.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: KCK

(Judge's initials)

on

(Date)

YK *7/25/24*

SUPERIOR COURT OF CALIFORNIA - COUNTY OF FRESNO Civil Department, Central Division 1130 "O" Street Fresno, California 93724-0002 (559) 457-2000	<i>FOR COURT USE ONLY</i>
TITLE OF CASE: Joey Reyes vs. Valley Chrome Plating, Inc. / COMPLEX / CLASS ACTION	
CLERK'S CERTIFICATE OF MAILING	CASE NUMBER: 22CECG01415

I certify that I am not a party to this cause and that a true copy of the:

[Minute Order and Tentative Ruling, dated 7/25/24]

was placed in a sealed envelope and placed for collection and mailing on the date and at the place shown below following our ordinary business practice. I am readily familiar with this court's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Place of mailing: **Fresno, California 93724-0002**

On Date: **07/26/2024**

Clerk, by , Deputy
E. Gonzalez

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Laura A. Wolfe
 McCormick, Barstow, Sheppard, Wayte & Carruth LLP
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☐ Clerk's Certificate of Mailing Additional Address Page Attached