

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Aliza Avalos et al
Plaintiff/Petitioner(s)
VS.
HR Support
Defendant/Respondent
(s)

No. RG21111584

Date: 01/30/2025

Time: 3:39 PM

Dept: 23

Judge: Michael Markman

ORDER re: Ruling on Submitted
Matter

The Court, having taken the matter under submission on 01/16/2025, now rules as follows:
BACKGROUND FACTS

This is a wage-and-hour class action and PAGA representative action. The parties agreed to settle the claims for \$525,000.00, and the court granted preliminary approval of the settlement. Plaintiff seeks final approval of the settlement, including an award of \$175,000.00 in attorney's fees, \$25,000.00 in litigation costs, \$10,000.00 in administration costs, an enhancement award of \$10,000.00 for each named plaintiff, and \$20,000.00 in PAGA penalties (75% of penalties go to California Labor and Workforce Development Agency (LWDA) and 25% to aggrieved employees.) The remaining funds are to be distributed to participating class members on a pro rata basis.

LEGAL STANDARD

To prevent "fraud, collusion or unfairness to the class, the settlement or dismissal of a class action requires court approval." (Dunk v. Ford Motor Co. (1996) 48 Cal.App.4th 1794, 1800.) A court "must determine the settlement is fair, adequate, and reasonable." (Id. at p. 1801.) A "presumption of fairness exists where: (1) the settlement is reached through arm's-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small." (Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116, 128 [quoting Dunk, supra, at p. 1801].)

Similarly, a "trial court should evaluate a PAGA settlement to determine whether it is fair, reasonable, and adequate in view 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 [noting overlap of factors in class action analysis, "including the strength of the plaintiff's case, the risk, the stage of the proceeding, the complexity and likely duration of further litigation, and the settlement amount"].)

DISCUSSION

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In this case, the parties mediated and reached settlement after arm's length negotiations, and counsel conducted sufficient investigation and discovery to allow counsel and the court to act intelligently. (Cordero Decl., ¶¶ 32–39.) Counsel cites significant team member experience in litigating class actions. (Id., ¶¶ 8–10.) The settlement administrator received no objections in response to the class notice. (Roverton Decl., ¶ 12.)

The court approves an enhancement award of \$10,000.00 for the representative plaintiffs. Each put forth significant time and effort on the case, including time spent preparing and sitting for deposition.

The court also approves \$25,000.00 in costs as supported by counsel's declaration. (See Cordero Decl., ¶¶ 87–90.)

The court exercises its discretion to approve the requested attorney's fees award. (See *Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495 [citing Ninth Circuit approval of 25% and Eleventh Circuit approval of 20–30% range]; see also *Schulz v. Jeppesen Sanderson, Inc.* (2018) 27 Cal.App.5th 1167, 1175 ["Although the trial court would be acting within its discretion to award less than 31 percent, we note that 31 percent is not out of line with awards in class actions, which, like this case, involve attorney fees to be paid by a protected class and that require court approval."].) A "court approving a settlement that includes a negotiated fee [] is required to decide if the fee negotiated by the parties closely approximates the value of the attorneys' work." (*Robbins v. Alibrandi*, 127 Cal.App.4th 438, 452.) The case settled before dispositive motions or trial, and counsel has not identified unusual risks or issues. Counsel, however, spent a substantial amount of time interviewing class members and preparing for a motion for class certification before the case settled. (See Cordero Decl., ¶ 74.) For purposes of cross-checking using a lodestar/multiplier approach, Plaintiff's counsel attests to 1210.3 total hours spent on the matter, with a total fee calculation of \$459,362.50. (Cordero Decl., ¶¶ 68, 77.) The court, therefore, is persuaded that a deviation from its 30% benchmark is warranted. Ten percent of the attorney's fee award must be kept in the administrator's trust fund until the completion of the distribution process and court approval of a final accounting.

ORDER

Plaintiffs' motion is GRANTED. The court will enter the proposed order submitted on December 30, 2024. A final compliance hearing regarding distributions and accounting is set for November 13, 2025, at 10:00 a.m. in Department 23.

The Motion for Final Approval of Settlement filed by Aliza Avalos, Krizia Astrid Dela Cruz Coombes on 12/20/2024 is Granted.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

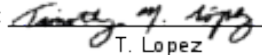
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Dated : 01/30/2025

A handwritten signature in black ink, appearing to read "Michael Markman", written in a cursive style.

Michael Markman / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 01/30/2025
PLAINTIFF/PETITIONER: Aliza Avalos et al	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy T. Lopez
DEFENDANT/RESPONDENT: HR Support	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: RG21111584

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order re: Ruling on Submitted Matter entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

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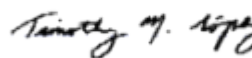
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Dated: 01/30/2025

Chad Finke, Executive Officer / Clerk of the Court

By:



T. Lopez, Deputy Clerk