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Attorneys for Plaintiff
MADELINE GOZA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

MADELINE GOZA, on behalf of herself, and
all aggrieved employees,

Plaintiff,

v.

FVE MANAGERS, INC.; and DOES 1 through
100, inclusive,

Defendants.

Case No: 22CV010870

ASSIGNED FOR ALL PURPOSES TO
JUDGE KARIN SCHWARTZ, DEPT. 20

REPRESENTATIVE ACTION

**NOTICE OF ENTRY OF ORDER RE:
HEARING ON MOTION FOR ORDER
MOTION FOR AN ORDER APPROVING
PAGA SETTLEMENT OF ACTION AND
DISMISSING ACTION WITH
PREJUDICE; CASE MANAGEMENT
CONFERENCE RE STATUS OF PAGA
SETTLEMENT**

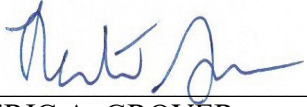
Complaint Filed: May 5, 2022
Trial Date: TBD

TO THE COURT, ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 21, 2025 the above-mentioned court entered the Order re: Hearing on Motion for Order Motion for an Order Approving PAGA Settlement of Action and Dismissing Action with Prejudice; Case Management Conference re Status of PAGA Settlement. A copy of which is attached hereto as Exhibit 1.

KELLER GROVER LLP

Dated: May 21, 2025

By: 

ERIC A. GROVER

ROBERT SPENCER

Attorneys for Plaintiff MADELINE GOZA

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Madeline Goza
Plaintiff/Petitioner(s)
VS.
FVE Managers, Inc.
Defendant/Respondent
(s)

No. 22CV010870
Date: 05/21/2025
Time: 3:00 PM
Dept: 20
Judge: Karin Schwartz

ORDER re: Hearing on Motion for
Order Motion for an Order
Approving PAGA
Settlement of Action and
Dismissing Action with
Prejudice; filed by
Madeline Goza (Plaintiff);
Case Management
Conference re Status of
PAGA Settlement filed by
Madeline Goza (Plaintiff)
on

The Motion re: Motion For An Order Awarding Attorneys Fees, Costs, Enhancement Payment, And Settlement Administration Fees filed by Madeline Goza on 04/11/2025 and Motion re: Motion For An Order Approving Settlement Of Paga Action And Dismissing Action With Prejudice filed by Madeline Goza on 04/11/2025 are Granted.

Plaintiff Madeline Goza's Motion for Order Approving Settlement of PAGA Action is GRANTED.

Plaintiff Madeline Goza's Motion for Order Awarding Attorneys' Fees, Costs, Enhancement Payment, and Settlement Administration Fees is GRANTED IN PART.

BACKGROUND

ORDER re: Hearing on Motion for Order Motion for an Order Approving
PAGA Settlement of Action and Dismissing Action with
Prejudice; filed by Madeline Goza (Plaintiff); Case
Management Conference re Status of PAGA Settlement filed
by Madeline Goza (Plaintiff) on

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Plaintiff Madeline Goza (“Plaintiff”) brings this action against Defendant FVE Managers, Inc. (“Defendant” or “FVE”) for alleged violations of the Labor Code. Plaintiff seeks civil penalties and attorneys’ fees and costs. Plaintiff further alleges claims pursuant to the Private Attorneys’ General Act (“PAGA”), Labor Code § 2698 et seq. on behalf of current and former employees employed by Defendant during the applicable statutory period, and the State of California.

Plaintiff moves for approval of the Labor Code Private Attorneys General Act Settlement Agreement (“Settlement Agreement”), attached as Exhibit 1 to the Declaration of Robert W. Spencer (“Spencer Dec.”). Plaintiff separately moves for an award of attorneys’ fees, costs, enhancement payment, and settlement administration fees. On its own motion, the Court advanced the hearing dates on the Motion for Approval of Settlement and the Motion for Fees (5/6/25 Order), which was not contested.

LEGAL STANDARD

Plaintiff asserts the PAGA claim as proxy or agent of the State of California’s Labor Workforce Development Agency. “An employee plaintiff suing ... under the [PAGA] does so as the proxy or agent of the state’s labor law enforcement agencies.” (*ZB, N.A. v. Superior Court of San Diego County* (2019) 8 Cal.5th 175, 185; *Iskanian v. CLS Transp. Los Angeles, LLC* (2014) 59 Cal.4th 348, 381.)

A person asserting a claim on behalf of the LWDA under PAGA must obtain court approval for any settlement. Labor Code 2699(1)(2) states: “The superior court shall review and approve any settlement of any civil action filed pursuant to this part. The proposed settlement shall be submitted to the agency at the same time that it is submitted to the court.”

Regarding the standard for review, *Williams v. Superior Court* (2017) 3 Cal.5th 531, 549, states “PAGA settlements are subject to trial court review and approval, ensuring that any negotiated resolution is fair to those affected.”

In reviewing a settlement under Labor Code 2699(1)(2), the court is not required to undertake a comprehensive “what would have happened if the litigation had proceeded” analysis. The standard of review is similar to that applicable to review of class action settlements under *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, and that applicable to good faith settlements under CCP 877.6 and *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488.

The court can consider the value of any effective injunctive relief that a PAGA plaintiff obtains through settlement even though Labor Code 2699(a) permits a PAGA plaintiff to recover only penalties on behalf of the LWDA. The primary purpose of LWDA law enforcement proceedings is to ensure compliance with the law and not to impose and collect penalties. In enacting PAGA, “The Legislature declared that adequate financing of labor law enforcement was necessary to achieve maximum compliance with state labor laws.” (*Arias v. Superior Court* (2009) 46 Cal.4th

ORDER re: Hearing on Motion for Order Motion for an Order Approving
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

969, 980.)

The analysis of whether a proposed settlement will be “fair to those affected” concerns only fairness to the LWDA. If a PAGA plaintiff settles a claim on behalf of the LWDA for less than the maximum settlement value, the only injured party is the LDWA. The statute requires notice of a settlement to the LWDA so it can protect its interests and in addition, it requires court approval. (Labor Code § 2699(l).) The aggrieved employees retain whatever private claims they had before the settlement.

SETTLEMENT TERMS

The “PAGA Group” in this action is defined as all members of the Non-Exempt PAGA Group and the Exempt PAGA Group, that is, current and former nonexempt employees and all exempt employees employed in California by Defendant at any time within the PAGA Release Period. (Settlement Agreement §§ I(I), (P), (R).) There are approximately 983 Non-Exempt PAGA Group Members and 57 Exempt PAGA Group Members, or 1,040 in total. (Settlement Agreement I(R).)

The settlement amount is \$425,000. (Settlement Agreement I(AA).)

Counsel seeks fees of 33.33% of the settlement amount, or \$141,666.66. (Settlement Agreement § XI.) Counsel also requests costs not to exceed \$20,000. (*Id.*) Plaintiff requests an enhancement award of \$10,000. (Settlement Agreement § XII.) The Settlement Agreement provides for expenses to the Settlement Administrator Simpluris, Inc. not to exceed \$5,000. (Settlement Agreement §§ I(Z), VII.)

The Settlement Agreement provides that PAGA penalties of \$249,954.55 are to be allocated as follows: 75% (\$187,465.91) to the LWDA and 25% (\$62,488.64) as to the individual PAGA payments to the PAGA Group. (Settlement Agreement §§ I(S), IX(B).) Each individual PAGA payment will be calculated by the Settlement Administrator, by (1) calculating the qualifying wage statements for each member, (2) computing the sum total of all qualifying wage statements, (3) dividing the PAGA group total payout by the aggregate total of all qualifying wage statements, then (4) multiplying the number of wage statements worked by the member. (Settlement Agreement § IX(B).)

SCOPE OF THE RELEASE

The Settlement Agreement releases claims for civil penalties that could have been brought by the Labor Commissioner for penalties under PAGA based upon the facts alleged in the Complaint at any time during the PAGA Release Period (February 28, 2021 through January 7, 2025). (Settlement Agreement § V(A).) The Settlement Agreement, therefore, releases claims for both civil penalties under Labor Code sections 2698 et seq. and 2699, and for reasonable attorneys’ fees and costs under Labor Code section 2699(g).

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

DISPOSITION OF THE RESIDUAL

The disposition of any uncashed checks shall be paid to the LWDA. (Settlement Agreement § IX(C).)

ATTORNEYS' FEES – AMOUNT

Plaintiff's counsel requests attorneys' fees of not more than \$141,666.66, or 33.33% of the gross settlement amount. (Settlement Agreement § III(3(a).) The Ninth Circuit's benchmark is 25%. (*Lafitte v. Robert Half International, Inc.* (2016) 1 Cal.5th 480, 495.) When using the percentage of the recovery approach, this Court's benchmark for fees is 30% of the total fund. (See *Laffitte v. Robert Half Internat. Inc.*, *supra*, 1 Cal.5th at 495; see also *Schulz v. Jeppesen Sanderson, Inc.* (2018) 27 Cal.App.5th 1167, 1175 [in fee award involving minor, 10% too low and 31% in contract "not out of line"]; *Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 557 fn. 13 [citing awards of 25% and one-third]; *Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 66 fn. 11 [30.3% or 27.9 % "not out of line and citing study that "... fee awards in class actions average around one-third of the recovery"].) The 30% percentage approach supports fees of \$195,000.

The Court has a duty to ensure that the amount of attorneys' fees are fair and proper. (*Consumer Privacy Cases*, *supra*, 175 Cal.App.4th at p. 555.) The Court may but is not required to increase or decrease a lodestar amount, and under certain circumstances, the court may enhance the lodestar calculation on the basis of a percentage of the benefit analysis. (*Id.* at p. 556.)

Plaintiff's counsel's lodestar based on rates ranging from \$725-\$1000 per hour for three attorneys is \$175,235.00. (Spencer Dec. ¶¶ 38-41.) The requested fee represents a negative .80 multiplier. (Spencer Dec. ¶ 41.) Counsel's timekeeping records are submitted with the moving papers. (Spencer Dec. Exh. 5.) Counsel further provides its qualifications, experience, and describes the nature of the work performed. (Spencer Dec. ¶¶ 2-5, 11-18, 35.) Counsel's rates and hours appear to be reasonable.

On this basis, as well as the facts provided for in the unopposed motions, the Court APPROVES attorneys' fees of 30%, or \$127,500. This amount reflects appropriate compensation for the risks undertaken and appropriate under the circumstances resulting in the efficient resolution of an action where less litigation is required. (See *Lealao v. Beneficial Cal. Inc.* (2000) 82 Cal.App.4th 19, 52.)

COSTS OF LITIGATION

The Court APPROVES the requested \$18,378.79 in costs. (Spencer Dec. ¶¶ 48-49.)

SETTLEMENT ADMINISTRATION COSTS

The Court APPROVES settlement administration costs not to exceed \$5,000.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

ENHANCEMENT AWARD

In support of her requested enhancement award, Plaintiff Madeline Goza provides her sworn declaration regarding the time and effort she spent in communicating with her counsel and contributed to pleadings, arbitration, mediation, and the terms of the settlement. (Plaintiff's Dec. ¶¶ 4-9.)

Based upon the foregoing, the Court APPROVES the requested enhancement award of \$10,000 to Plaintiff Madeline Goza.

CONCLUSION

Plaintiff's motions are GRANTED. The Court will sign the proposed order submitted with the moving papers.

A compliance hearing is SET for February 25, 2026 at 3:00 PM in Department 20, at which time the Court will consider evidence that the distribution process is complete and that a final accounting may be approved.

Compliance Hearing Re: Final Distribution and Accounting is scheduled for 02/25/2026 at 03:00 PM in Department 20 at Rene C. Davidson Courthouse.

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

Dated : 05/21/2025



Karin Schwartz / Judge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

PROOF OF SERVICE

I, JOEY GONZALEZ, am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1965 Market Street, San Francisco, California 94103. On **May 21, 2025**, in the case of *Goza v. FVE Managers, Inc.*, Alameda Superior Court Case Number 22CV010870 I served the foregoing document(s):

**NOTICE OF ENTRY OF ORDER RE: HEARING ON MOTION FOR ORDER
MOTION FOR AN ORDER APPROVING PAGA SETTLEMENT OF ACTION AND
DISMISSING ACTION WITH PREJUDICE; CASE MANAGEMENT CONFERENCE
RE STATUS OF PAGA SETTLEMENT**

on the interested party(ies) below, using the following means:

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☒	(BY ELECTRONIC SERVICE) by electronically mailing a true and correct copy in PDF format through our electronic mail system to the email address(es) set forth above, or as stated on the attached service list per agreement between the parties.
☒	(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



JOEY GONZALEZ