

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Hayward Hall of Justice

YI SONG et al
Plaintiff/Petitioner(s)
VS.
WEEE! LOGISTICS, INC. et al
Defendant/Respondent
(s)

No. 23CV029846

Date: 05/29/2025

Time: 2:30 PM

Dept: 517

Judge: Keith Fong

ORDER re: Hearing on Motion -

Other Motion for Final

Approval of Class

Settlement; filed by Jian

Pan (Plaintiff) + filed by YI

SONG (Plaintiff);

XIANGYANG JI (Plaintiff);

Jian Pan (Plaintiff) on

05/06/2025

Prior to the hearing, the Court issued a tentative ruling. The parties did not contest the tentative ruling. However, Counsel for Plaintiff still appeared, to address a typographical error in the tentative.

The tentative ruling is affirmed as modified below.

The Motion for Final Approval of Settlement filed by Jian Pan, XIANGYANG JI, YI SONG on 05/06/2025 is Granted.

TR Amended 5/29/2025

Plaintiffs Yi Song, Xiangyang Ji, and Jian Pan's unopposed Motion for Final Approval of Class Settlement is GRANTED.

BACKGROUND

Plaintiffs Yi Song, Xiangyang Ji, and Jian Pan, on behalf of themselves and other similarly-situated employees (collectively, "Plaintiffs") move for entry of order granting final approval of the class settlement between Plaintiffs and Defendant Weee! Logistics LLC and Weee! Inc.

ORDER re: Hearing on Motion - Other Motion for Final Approval of Class Settlement; filed by Jian Pan (Plaintiff) + filed by YI SONG (Plaintiff); XIANGYANG JI (Plaintiff); Jian Pan (Plaintiff) on 05/06/2025

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Hayward Hall of Justice

(collectively, “Defendants”).

Plaintiffs assert claims on behalf of all present and formerly similarly aggrieved hourly employees of Defendants Weee! Logistics LLC and Weee! Inc., an online Asian grocery business. There are approximately 1,431 members in the class (“Class Members”).

The Court-approved Class Notice was successfully delivered to 1,022 Class Members. (Declaration of William Argueta (“Argueta Dec.”) ¶¶ 10-11.)

The Court granted preliminary approval on October 30, 2024. The case preliminarily settled for a total of \$4,900,000.

The Joint Stipulation of Class Settlement and Release (“Settlement Agreement”) states that Class Counsel shall seek \$1,633,333.33 (1/3) and costs not exceeding \$70,000; class representative service awards of up to \$50,000 for Plaintiff Song, \$25,000 for Plaintiff Ji, and \$10,000 for Plaintiff Pan; \$300,000 for resolution of PAGA claims; and settlement administration costs to CPT Group, Inc. of no more than \$55,000. (Declaration of Qiaojing Zheng (“Zheng Dec.”) ¶¶ 43, 52, 59-60; Argueta Dec. ¶ 22.) After these expenses, the Net Class Settlement Amount is \$2,266,911.29. (Argueta Dec. ¶ 22.) The average Class Member award will be approximately \$2,426.85, and awards will range up to a high of approximately \$14,454.13. (Zheng Dec. ¶ 44; Argueta Dec. ¶ 22.)

There were no objections or written disputes to the class notice form; there were 11 requests for exclusion. (Argueta Dec. ¶¶ 15-17.)

DISCUSSION

The settlement was mediated with the assistance of an experienced mediator, Tripper Ortman. The Court gives “considerable weight to the competency and integrity of counsel and the involvement of a neutral mediator in [concluding] that [the] settlement agreement represents an arm’s length transaction entered without self-dealing or other potential misconduct.” (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 129; *see also In re Sutter Health Uninsured Pricing Cases* (2009) 171 Cal.App.4th 495, 504.)

The Court **APPROVES** the Settlement Agreement. The Court has considered (1) the relative strength of the Plaintiffs’ case; (2) the high risk, expense, complexity, and likely duration of further litigation of this dispute; (3) the high risk of maintaining class status through trial; (4) the relatively general amount offered in settlement; (5) the extent of discovery completed and the stage of the proceedings; (6) the experience and views of counsel that settlement is reasonable; and (7) the lack of written disputes and objections and the small number of exclusion requests from any Class Members. (*See Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.) Under the circumstances, a presumption of fairness exists because there are no objectors to the Settlement Agreement, which was reached through arm’s length bargaining by experienced counsel before an experienced neutral mediator (Tripper Ortman) with sufficient discovery proceedings to allow counsel and the Court to act intelligently. (*See In re Microsoft I-V Cases*

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Hayward Hall of Justice

(2006) 135 Cal.App.4th 706, 723.)

The Court **APPROVES** CPT Group as the settlement administrator and administration costs of \$55,000.

The Court **APPROVES** the settlement payment of \$4,900,000.

The Court **APPROVES** the litigation costs of \$64,899.82.

The Court **APPROVES** payment of unclaimed residual funds from uncashed checks to the Law Foundation of Silicon Valley and/or Asian Americans Advancing Justice – Asian Law Caucus.

Class Counsel requests attorneys' fees of \$1,633,333.33, representing 1/3 of the gross settlement amount. The Ninth Circuit's benchmark is 25%. (*Lafitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495.) When using the percentage of recovery approach, the court's benchmark for fees is 30% of a total fund. (*Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495; *Schulz v. Jeppesen Sanderson, Inc.* (2018) 27 Cal.App.5th 1167, 1175; *Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 557 fn 13; *Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 66 fn 11.) The percentage approach suggests fees of \$1,470,000.

Class Counsel's lodestar calculation of more than \$2.36 million is based upon rates ranging from \$300-\$325 for paralegals and legal assistants, \$500-\$550 per hour for litigation fellows, \$550-\$600 per hour for associates, \$850-\$900 per hour for senior litigation counsel, and \$1,100 per hour for partners, and more than 3,460 hours. (Zheng Dec. ¶¶ 59-67.) Counsel's lodestar is more than 1.5 times the fee request. (Zheng Dec. ¶ 66.) Class Counsel's timekeeping and rates appear to be reasonable.

On this basis, as well as other factors listed in Plaintiffs' motion, the Court awards the requested attorneys' fees of \$1,633,333.33. This reflects adequate compensation for the risks undertaken and appropriate in 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.)

The Court has reviewed and **APPROVES** the Plaintiffs' requested service payments: \$50,000 for Plaintiff Song, \$25,000 for Plaintiff Ji, and \$10,000 for Plaintiff Pan. The record before the Court establishes that Plaintiffs actively contributed to the litigation of the case, including communications with counsel regarding initial investigation, factual development, discovery exchange, mediation, and settlement. (Zheng Dec. ¶¶ 53-54.) Plaintiffs coordinated with other Class Members and provided documents and information to support their litigation. (*Id.*) Given the effort devoted to this litigation over the past two and a half years, a total incentive award of \$85,000 to Plaintiffs Song, Ji, and Pan is warranted under the circumstances.

The Court **ORDERS** 10% of the fee award (\$163,333) shall be kept in the settlement administrator's trust fund until completion of the distribution process and Court approval of a final accounting. The Administrator shall not release these funds to counsel until the Court determines that these conditions have been met.

ORDER re: Hearing on Motion - Other Motion for Final Approval of Class Settlement; filed by Jian Pan (Plaintiff) + filed by YI SONG (Plaintiff); XIANGYANG JI (Plaintiff); Jian Pan (Plaintiff) on 05/06/2025

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
Hayward Hall of Justice

CONCLUSION

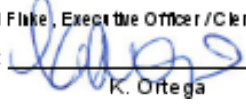
A compliance hearing is **SET** for January 29, 2026 in Department 517 at 2:30 PM, at which time the Court will consider evidence that the distribution process is complete and that a final accounting may be approved.

The Court will sign the Proposed Order submitted with the moving papers.

Dated : 05/29/2025



Keith Fong / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Hayward Hall of Justice 24405 Amador Street, Hayward, CA 94544	FILED Superior Court of California County of Alameda 05/29/2025
PLAINTIFF/PETITIONER: YI SONG et al	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: WEEE! LOGISTICS, INC. et al	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 23CV029846

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: Hearing on Motion - Other Motion for Final Approval of Class Settlement; filed by Jian Pan (Plaintiff) + filed by YI SONG (Plaintiff); XIANGYANG JI (Plaintiff); Jian Pan (Plaintiff) on 05/06/2025 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.

Marlene Stephanie Muraco
Littler Mendelson
mmuraco@littler.com

Qiaojing Zheng
Sanford Heisler Sharp McKnight, LLP
qzheng@sanfordheisler.com

Dated: 05/29/2025

Chad Finke, Executive Officer / Clerk of the Court

By:


K. Ortega, Deputy Clerk