

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Michael Corbin
Plaintiff/Petitioner(s)
VS.
PARIS BAGUETTE AMERICA,
INC., a Delaware corporation
et al
Defendant/Respondent
(s)

No. 22CV014555
Date: 03/12/2025
Time: 3:00 PM
Dept: 17
Judge: Sarah Sandford-Smith

ORDER re: Hearing on Motion -
Other Motion for Approval
of a PAGA Settlement;
filed by Michael Corbin
(Plaintiff) filed by Michael
Corbin (Plaintiff) on
02/13/2025

The Motion for Final Approval of Settlement filed by Michael Corbin on 02/13/2025 is Granted.

The unopposed Motion of Plaintiff Michael Corbin ("Plaintiff") for Approval of PAGA Settlement is GRANTED.

Plaintiff Michael Corbin ("Plaintiff")'s unopposed motion for approval of PAGA settlement is GRANTED. The \$103,433.75 payment to the LWDA and \$34,481.25 payment to PAGA Members appears appropriate. The court has also reviewed the billing entries from Plaintiff's counsel and approves the attorney's fees (\$97,125) and associated costs (\$19,285.05) requested. Finally, the court has reviewed the supporting declaration of the named plaintiff seeking a service award or enhancement payment as named in this case and approves a total service award of \$7,500 to Plaintiff. (Clark v. American Residential Services LLC (2009) 175 Cal.App.4th 785, 804-807.)

Additionally, all payments by Defendant shall be to the Settlement Administrator who shall, if the Settlement is given approval, distribute the funds per the Settlement Agreement.

Further, any award of attorney's fees will include a retention by the Settlement Administrator of ten percent (10%) of the fees until after the Settlement Administrator's report and account after distribution and the court's order of approval of that final report and account.

The Court sets a compliance hearing for **Friday, December 12, 2025** at 9:00 a.m. in Department

ORDER re: Hearing on Motion - Other Motion for Approval of a PAGA
Settlement; filed by Michael Corbin (Plaintiff) filed by Michael
Corbin (Plaintiff) on 02/13/2025

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

17. By November 26, 2025, Plaintiff's Counsel and the settlement administrator shall submit a summary accounting of the net settlement fund identifying distributions made as ordered herein; the status of any unresolved issues; and any other matters appropriate to bring to the court's attention.

BACKGROUND

Plaintiff filed his initial Complaint on July 18, 2022 as a Private Attorneys General Act ("PAGA") enforcement action. (Davis Decl. ¶ 13; Register of Actions ("ROA").)

On July 12, 2024, the parties participated in a full-day mediation with David Rotman that resulted in settlement of Plaintiff's claims. (Davis Decl. ¶ 15.)

OVERVIEW

The Court has a "fiduciary responsibility as [guardian] of the rights of the absentee class members when deciding whether to approve a settlement agreement." (Duran v. Obesity Research Institute, LLC (2016) 1 Cal.App.5th 635, 646.) Although "there is a strong public policy favoring the settlement of litigation, this policy does not excuse a contractual clause that is otherwise illegal or unjust." (Timney v. Lin (2003) 106 Cal.App.4th 1121, 1127.) must ensure the settlement is not "contrary to law or to public policy." (Consumer Advocacy Group, Inc. v. Kintetsu Enterprises of America (2006) 141 Cal.App.4th 46, 61.)

Further, the Court is obligated to ensure that the "agreement is not the product of fraud or overreaching by, or collusion between, the negotiating parties, and that the settlement, taken as a whole, is fair, reasonable and adequate to all concerned." (Cellphone Termination Fee Cases (2010) 186 Cal.App.4th 1380, 1389.) The Court "must independently and objectively analyze the evidence and circumstances before it in order to determine whether the settlement is in the best interests of those whose claims will be extinguished." (Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116, 130.)

Reasonableness

The trial court has broad discretion to determine whether the settlement is fair. (Dunk v. Ford Motor Co. (1996) 48 Cal.App.4th 1794, 1801.) Relevant factors to be considered include:

- 1) the strength of plaintiffs' case,
- 2) the risk, expense, complexity,
- 3) the likely duration of further litigation,
- 4) the risk of maintaining class action status through trial,
- 5) the amount offered in settlement,
- 6) the extent of discovery completed and the stage of the proceedings,
- 7) the experience and views of counsel,
- 8) the presence of a governmental participant, and
- 9) the reaction of the class members to the proposed settlement.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

(Dunk, supra, 48 Cal.App.4th at p. 1801.)

The parties' Settlement Agreement generally satisfies these requirements.

Proposed Settlement Agreement

Pursuant to the Settlement, Defendant has agreed to pay the Gross Settlement Amount ("GSA") of \$277,500.00 to be distributed as follows:

- Plaintiff's Counsel Attorney's Fees of up to \$97,125
- Plaintiff's Counsel Litigation Costs of up to \$19,285.05
- Service Award for named plaintiff: \$7,500
- PAGA Penalty Fund Payment of \$137,925 split as follows:
 - \$103,433.75 to Labor Workforce Development Agency ("LWDA")
 - \$34,481.25 to PAGA-eligible aggrieved employees
- Settlement Administrator Fees of up to \$9,950

All remaining GSA funds will be available to split between aggrieved employees.

Aggrieved Employees

The aggrieved employees consist of "all current and former hourly-paid, non-exempt employees who were employed by Defendant in the State of California" from the period of April 22, 2021 through the date of approval of the Settlement. (Settlement Agreement ¶¶ 5-6; MPA p. 3:24-27.) There are approximately 303 aggrieved employees. (Davis Decl., ¶ 22.)

Scope of Release

The scope of the Release is limited to the parties and claims in this litigation and is therefore reasonable.

Uncashed Settlement Checks

The proposed Settlement Agreement indicates all settlement checks that remain uncashed for more than 180 days after issuance will be tendered to the cy pres beneficiary Legal Aid at Work is an appropriate cy pres recipient and is approved. (Code Civ. Proc., § 384.)

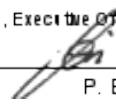
Plaintiff's Counsel, Attorney Fees & Costs

Attorneys Joanna Ghosh and Heather Davis submitted declarations in support of the Motion for Approval, setting forth the fees and costs incurred by their respective law firms.

This Court's benchmark for fees is 30% of the total fund. (Laffitte v. Robert Half International, Inc. (2016) 1 Cal.5th 480, 495.)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

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 03/12/2025
PLAINTIFF/PETITIONER: Michael Corbin	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: PARIS BAGUETTE AMERICA, INC., a Delaware corporation et al	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 22CV014555

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 Approval of a PAGA Settlement; filed by Michael Corbin (Plaintiff) filed by Michael Corbin (Plaintiff) on 02/13/2025 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.

Edwin Aiwarzian
edwin@calljustice.com ; Joanna@calljustice.com

Heather Davis
heather@protectionlawgroup.com

Krista Meredith Cabrera
Foley & Lardner LLP
kcabrera@foley.com

Dated: 03/12/2025

Chad Finke, Executive Officer / Clerk of the Court

By:


P. Bir, Deputy Clerk