

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Gilbert, Sabrina
Plaintiff/Petitioner,

vs.

Central California Baking Company
Defendant/Respondent.

Jud. Officer: **John Bianco**
Clerk: **Martha Gomez**
Bailiff:
CSR: **Naomi Johnson**
Interpreter:
Language:

Minutes: **Continued Motion for Preliminary Approval**

Date: **November 20, 2023**

Case No. **VCU291467**
Department 02
Related Cases: **VCU292216**

Appearances: ☒ No Appearances

Motion: Continued Motion for Preliminary Approval

No requests for oral argument presented.

ORDER: The Court adopts the Tentative Ruling as the Order of the Court as follows:

To grant the motion, as modified below; to set the motion for final approval for April 22, 2024, Dept. 2, 8:30 am.

Facts

The Court previously continued this matter and sought additional information as to the class notice period, attorney fee lodestar information and presently incurred costs. On November 2, 2023, Counsel for Plaintiff and Plaintiff provided a number of supplemental declarations which the Court has reviewed as indicated below.

Notice

The notice period, according to the revised settlement agreement is set at 60 days.

The Court, therefore, approves the notice period of 60 days.

Attorneys' Fees and Costs

Attorneys' fees of 33 1/3% of the gross settlement fund of \$400,000 or \$133,000 and costs not to exceed \$15,000 are sought by Plaintiffs' counsel.

Counsel has utilized the percentage of common fund methodology as well as provided, via supplemental declarations, adequate lodestar information to evaluate the reasonableness of the fee request.

Here, Counsel Lee indicates spending 6.5 hours at a rate of \$750 per hour, creating a lodestar figure of \$4,875. (Supplemental Declaration of Lee ¶¶2, 3.)

Counsel Agnew indicates spending 28 hours at a rate of \$700 per hour, creating a lodestar figure of \$19,600. (Supplemental Declaration of Agnew ¶¶2, 3.)

Counsel Rosenthal indicates spending 79.3 hours at a rate of \$700 per hour, creating a lodestar figure of \$55,510. (Supplemental Declaration of Rosenthal ¶¶3, 4.)

Therefore, the total, current lodestar for counsel for Plaintiff is \$79,985. This would require a multiplier of 1.66.

The Court permits a maximum lodestar multiple of 1.5 in these cases. The Court has reviewed the declarations of counsel in support of what is now an additional .16 multiplier, but, in its discretion, rules that the additional .5 awarded adequately takes into account the quality of the representation, the novelty and complexity of the issues, the results obtained, and the contingent risk presented. (See *In re Vitamin Cases* (2003) 110 Cal.App.4th 1041, 1052 quoting *Thayer v. Wells Fargo Bank* (2001) 92 Cal.App.4th 819, 833) Despite any agreement by the parties to the contrary, the Court has an independent responsibility to review the attorney fee provision of the settlement agreement and award an amount that it determines to be reasonable. (*Garabedian v. Los Angeles Cellular Telephone Co.* (2004) 118 Cal.App.4th 123, 128.)

Therefore, the Court will preliminarily approve \$119,977.50 in fees, equal to 1.5 times the current lodestar.

The Court notes that it will permit a declaration providing actual expended additional hours between preliminary approval and final approval as to any increase in this approved fee amount.

As to presently incurred costs, Counsel Rosenthal indicates \$8,693.54 in costs. (Supplemental Declaration of Rosenthal ¶ 2.) The Court, therefore, will preliminarily approve no more than \$15,000 in costs as requested.

Therefore, Plaintiff's preliminarily approved deductions from the gross settlement of \$400,000 are as follows:

Preliminarily Approved Attorney Fees (33 1/3%):	\$119,977.50
Preliminarily Approved Attorney Costs (Up To):	\$15,000.00
Preliminarily Approved Enhancement Payment to Plaintiff:	\$5,000.00
Preliminarily Approved Settlement Administrator Costs	\$10,000.00
Preliminarily Approved PAGA payment to the LWDA	\$20,000.00
Preliminarily Approved Net Settlement Amount	\$230,022.50

Therefore, the Court grants the motion, as modified, and sets the motion for final approval for April 22, 2024, Dept. 2, 8:30 am.

Clerk to provide notice to parties by mail.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Visalia Division
221 S Mooney Blvd, Room 201
Visalia, CA 93291
559.730.5000

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Plaintiff/Petitioner,

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CLERK'S CERTIFICATE OF SERVICE

I certify that I am not a party to this cause.

I certify that I caused the minute order dated November 20, 2023, to be served on the persons listed below in the following manner:

☒ BY MAIL: I placed the documents for collection and mailing on the date shown, so as to cause it to be mailed in a sealed envelope with postage fully prepaid on that date following standard court practices to the persons and addresses shown. The mailing and this certification occurred at Visalia, California on November 20, 2023.

STEPHANIE CAMERON,
CLERK OF THE SUPERIOR COURT
COUNTY OF TULARE


By
Martha Gomez, Deputy Clerk

Names and Mailing/E-Mail Address of Person(s) Served:

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