

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Oscar Armando Maravilla
Plaintiff/Petitioner(s)
VS.
EAST BAY LOGISTICS, INC.,
a California corporation
Defendant/Respondent
(s)

No. 22CV013883
Date: 09/10/2024
Time: 10:00 AM
Dept: 23
Judge: Michael Markman

ORDER re: Hearing on Motion -
Other Final Approval filed
by Oscar Armando
Maravilla (Plaintiff) on
07/22/2024

The counsel appeared on ZOOM but did not contest the tentative ruling. No one appeared today to object. The court affirms the tentative ruling as the court order.

The Motion for Final Approval of Settlement filed by Oscar Armando Maravilla on 07/22/2024 is Granted.

Compliance Hearing re distribution and final accounting is scheduled for 10/23/2025 at 10:00 AM in Department 23 at Rene C. Davidson Courthouse.

BACKGROUND

This is a wage-and-hour class action and PAGA representative action. The parties agreed to settle the claims for a gross settlement amount of \$455,000.00. The parties seek final approval of the settlement, including \$151,666.67 in attorney's fees; \$13,666.62 in litigation costs; a service payment of \$7,500.00 for the representative plaintiff; settlement administration costs of \$8,500.00, and \$40,000.00 in PAGA civil penalties (75% of penalties to California Labor and Workforce Development Agency (LWDA) and 25% to aggrieved employees). The remaining amount is to be distributed among participating class members and aggrieved employees on a pro rata basis. The court granted preliminary approval of the settlement on January 22, 2024.

During the final approving hearing held on August 22, 2024, the parties explained that, because of Defendant's financial circumstances, they had modified their agreement to allow Defendant to fund the settlement in installments. (Supp. Moon Decl., ¶ 4.) Defendant shall pay 50% of the gross settlement amount within 30 days of final approval and the remaining 50%, as well as the employer side taxes, within 6 months. (See *id.*, ¶ 5; Ex. 2.)

LEGAL STANDARD

ORDER re: Hearing on Motion - Other Final Approval filed by Oscar
Armando Maravilla (Plaintiff) on 07/22/2024

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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

In this case, the parties mediated and reached settlement after arm’s length negotiations, counsel conducted sufficient investigation and discovery to allow counsel and the court to act intelligently, counsel cite significant experience in litigating class actions, and the settlement administrator received no objections in response to the class notice. (See Moon Decl., ¶¶ 9, 15–28, 32–47; Supp. Moon Decl., ¶¶ 4, 5, Ex. 1; Nava Decl., ¶ 12.) The motion is unopposed.

ORDER

Plaintiff’s motion is GRANTED. The court will enter the amended proposed order and judgment submitted on August 23, 2024. A final compliance hearing is set for October 23, 2025 at 10:00 am in Department 23. Plaintiff is ordered to file a final report and declaration regarding distribution at least five (5) court days before the compliance hearing. No appearances will be required if the report and declaration establish that the distributions are complete. The administrator shall retain 10% of the attorney’s fees in an interest-bearing account, pending the submission and approval of a final compliance status report after completion of the distribution process.

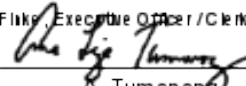
Dated : 09/10/2024



Michael Markman / Judge

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 09/11/2024
PLAINTIFF/PETITIONER: Oscar Armando Maravilla	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy A. Tumonong
DEFENDANT/RESPONDENT: EAST BAY LOGISTICS, INC., a California corporation	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 22CV013883

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 Final Approval filed by Oscar Armando Maravilla (Plaintiff) on 07/22/2024 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.

Kane Moon
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Michelle C. Freeman
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Dated: 09/11/2024

Chad Finke, Executive Officer / Clerk of the Court

By:



A. Tumonong, Deputy Clerk