

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Hayward Hall of Justice

Edith Medina, on behalf of
herself and all other aggrieved
employees

Plaintiff/Petitioner(s)

VS.

Delta Yimin Technologies, Inc
et al

Defendant/Respondent

(s)

No. 22CV022899

Date: 08/09/2024

Time: 2:00 PM

Dept: 520

Judge: Julia Spain

ORDER re: Hearing on Motion for

Final Approval of

Settlement filed by Edith

Medina, on behalf of

herself and all other

aggrieved employees

(Plaintiff) filed by Edith

Medina, on behalf of

herself and all other

aggrieved employees

(Plaintiff) on 07/18/2024

"Plaintiff Edith Medina's unopposed Motion for Final Approval of PAGA Settlement is GRANTED. (Code Civ. Proc., § 2699, subd. (1)(2).)

COURT APPROVAL OF THE PAGA SETTLEMENT

A plaintiff asserting a PAGA claim does so as a proxy or agent of the State of California's LWDA. (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.) Therefore, "PAGA settlements are subject to trial court review and approval, ensuring that any negotiated resolution is fair to those affected. (Williams v. Superior Court (2017) 3 Cal.5th 531, 549; Lab. Code. § 2699, subd. (1)(2).)

ORDER re: Hearing on Motion for Final Approval of Settlement filed by
Edith Medina, on behalf of herself and all other aggrieved
employees (Plaintiff) filed by Edith Medina, on behalf of
herself and all other aggrieved employees (Plaintiff) on
07/18/2024

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

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In reviewing the settlement, the court can consider the value of any effective injunctive relief obtained although Labor Code 2699(a) permits a PAGA plaintiff to recover only penalties on behalf of the LWDA. The analysis of whether a proposed settlement will be “fair to those affected” concerns only fairness to the LWDA and therefore requires notice of settlement to be provided to the LWDA so it can protect its interests. (Labor Code 2699, subd. (l).) Where the settled claims are limited to PAGA claims, the aggrieved employees retain whatever private claims they had before the settlement.

Additionally, the Court has a fiduciary responsibility to ensure that a 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.) 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.) Finally, 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.)

ANALYSIS

Having reviewed the proposed PAGA Settlement between the parties, the Court grants Plaintiff’s Motion for Approval of PAGA Settlement, which it finds is reasonable, fair, and satisfies all statutory requirements. (Lab. Code. § 2699, subd. (l)(2); Williams, supra, 3 Cal.5th at p. 549.) 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

PROPOSED SETTLEMENT AGREEMENT

Pursuant to the Stipulated Settlement Agreement, Defendant has agreed to pay a Gross Settlement Amount (“GSA”) of \$170,000.

GSA is to be divided up as follows:

- Attorney Fees of up to \$56,666.10 to Work Lawyers, PC

ORDER re: Hearing on Motion for Final Approval of Settlement filed by
Edith Medina, on behalf of herself and all other aggrieved
employees (Plaintiff) filed by Edith Medina, on behalf of
herself and all other aggrieved employees (Plaintiff) on
07/18/2024

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

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- Litigation Costs of up to \$7,608.03
- Settlement Administration Expenses to Phoenix Settlement Administrators of up to \$4,000.00
- PAGA Penalty Payment of \$101,725.87 (\$76,294.40 (75%) to the LWDA; \$25,431.46 (25%) to be split among the aggrieved employees)

COVERED PERIOD

The “PAGA Period” covers the period from November 30, 2021 until the date of resolution.

AGGRIEVED EMPLOYEES

The aggrieved employees include all current and former hourly-paid, non-exempt employees who worked for Defendant from November 30, 2021 through the granting of the PAGA Settlement. (Supp. Hawkins Decl. Exh. B.)

SCOPE OF THE RELEASE

The scope of the proposed release is approved. It is sufficiently narrow and tailored to limit the released claims to those involving PAGA penalties directly in connection with this litigation.

UNCASHED SETTLEMENT CHECKS

The Settlement Agreement indicates that uncashed settlement checks will be mailed to the State Controller’s Office, Unclaimed Property Division, in the name of the aggrieved employee to which the check was made.

CLASS COUNSEL, ATTORNEY’S FEES AND COSTS

Work Lawyers, PC are approved as PAGA counsel for purposes of this Settlement Agreement.

The Court will approve up to \$56,666.10 attorney’s fees to be paid to PAGA counsel in connection with this litigation. 10% of any fee award will be kept in the administrator's trust fund until the completion of the distribution process and the Court’s final compliance hearing.

SETTLEMENT ADMINISTRATOR & FEES

Phoenix Class Settlement Administrator is approved as the settlement administrator in this matter and the Court approves up to \$4,000 in settlement administration fees and costs.

COMPLIANCE HEARING

The Settlement Administrator will provide written declaration of completion of settlement administration proceedings as provided in section V of the Settlement Agreement to the Court and counsel for the Parties, no later than 14 days after disbursement of all funds from the GSA. This declaration shall be filed with the Court within three (3) business days of completion.

A compliance hearing is set for Friday January 3, 2025 at 2:00 p.m. in Department 520. If distribution is completed at that time, the Court will release the remaining 10% of attorney’s fees being held.

ORDER re: Hearing on Motion for Final Approval of Settlement filed by
Edith Medina, on behalf of herself and all other aggrieved
employees (Plaintiff) filed by Edith Medina, on behalf of
herself and all other aggrieved employees (Plaintiff) on
07/18/2024

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Hayward Hall of Justice

Plaintiff is directed to submit a copy of this Order and entry of Judgment to the LWDA within ten (10) days of the date of this Order.

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

The Motion re: NOTICE OF UNOPPOSED MOTION AND MOTION FOR AN ORDER APPROVING SETTLEMENT OF CLAIMS BROUGHT PURSUANT TO THE PRIVATE ATTORNEYS GENERAL ACT OF 2004, AWARDING ATTORNEYS FEES, COSTS, AND REIMBURSEMENT OF SETTLEMENT ADMINISTRATION EXPENSES; MEMORANDUM OF POINTS filed by Edith Medina, on behalf of herself and all other aggrieved employees on 07/18/2024 is Granted.

FURTHER CONFERENCE

A Compliance Hearing is scheduled for 01/03/2025 at 02:00 PM in Department 520.

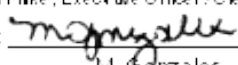
Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

Dated : 08/09/2024



Julia Spain / Judge

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

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 08/09/2024 Chad Finke, Executive Officer / Clerk of the Court By:  Deputy M. Gonzalez
PLAINTIFF/PETITIONER: Edith Medina, on behalf of herself and all other aggrieved employees		
DEFENDANT/RESPONDENT: Delta Yimin Technologies, Inc et al		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: 22CV022899

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 for Final Approval of Settlement filed by Edith Medina, on behalf of herself and all other aggrieved employees (Plaintiff) filed by Edith Medina, on behalf of herself and all other aggrieved employees (Plaintiff) on 07/18/2024 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.

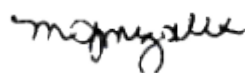
Justin Lo
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Shaun Jordan Voigt
Fisher & Phillips LLP
svoigt@fisherphillips.com

Dated: 08/09/2024

Chad Finke, Executive Officer / Clerk of the Court

By:



M. Gonzalez, Deputy Clerk