

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Hayward Hall of Justice

Kenneth Gibson
Plaintiff/Petitioner(s)
VS.
Shimmick CEC Joint Venture
et al
Defendant/Respondent
(s)

No. 23CV026333

Date: 02/06/2026

Time: 2:00 PM

Dept: 520

Judge: Jamilah A. Jefferson

ORDER re: Hearing on Motion for
Attorney Fees filed by
Kenneth Gibson (Plaintiff)
CRS# A-26333-006 filed
by Kenneth Gibson
(Plaintiff) on

The Motion for Attorney Fees filed by Kenneth Gibson on 01/14/2026 is Granted.

Plaintiff Kenneth Gibson ("Plaintiff")'s Motion for Attorney's Fees is **GRANTED** in the amount of \$76,666.67. Plaintiff is the prevailing party in this PAGA action, making an award of reasonable attorney's fees appropriate. (Code Civ. Proc., §§ 1033.5, subd. (a)(10)(B); Lab. Code, § 2699, subd. (k)(1).) As of the posting of this tentative ruling, there is no opposition filed.

LAW

I. Motion for Attorney's Fees and Costs - Legal Standard

Code of Civil Procedure section 1033.5 authorizes payment of attorney's fees to the prevailing party where such fees are authorized by statute. (Code Civ. Proc., § 1033.5, subd. (a)(10)(B).)

"Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee. Normally, this will encompass all hours reasonably expended on the litigation, and indeed in some cases of exceptional success an enhanced award may be justified. In these circumstances the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised on the lawsuit." (*Hogar Dulce Hogar v. Community Development Com. of City of Escondido* (2007) 157 Cal.App.4th 1358, 1369.)

"The principle that attorney fees should not be reduced solely because a litigant did not succeed on all claims or theories is based on the practical reality that 'it is impossible for an attorney to

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determine before starting work on a potentially meritorious legal theory whether it will or will not be accepted by a court years later following litigation. It must be remembered that an award of attorneys' fees is not a gift. It is just compensation for expenses actually incurred in vindicating a public right. To reduce the attorneys' fees of a successful party because he did not prevail on all his arguments, makes it the attorney, and not the defendant, who pays the cost of enforcing that public right.' [Citation.]" (*Hogar, supra*, 157 Cal.App.4th at p. 1369.)

II. Private Attorney General Act: Attorney's Fees

Labor Code section 2699 (k)(1) authorizes an award of prevailing party attorney fees, costs and filing fees to an aggrieved employee who seeks injunctive relief or civil penalties on behalf of other current and former employees against whom a violation of the same provision was committed and provides in relevant part that "Any employee who prevails in any action shall be entitled to an award of reasonable attorney's fees and costs, including any filing fee paid[.]" (Lab. Code, § 2699, subd. (k)(1).)

DISCUSSION

A. Plaintiff is the Prevailing Party in This Action

Here, there is no dispute that Plaintiff is the prevailing party in this action. The Court intends to approve the Parties' Final Settlement Agreement filed concurrently with this motion, as Plaintiff, on behalf of himself and other aggrieved employees successfully alleged that they were non-exempt employees who were subject to labor code violations concerning rest breaks and sick pay, and unfair business practices under California Business and Professions Code section 17200 et seq.

As Plaintiff obtained both injunctive relief and civil penalties against Defendants in this case, there is no question that Plaintiff is the prevailing party in this action (Code Civ. Proc., § 1032) and therefore entitled to attorney's fees. (Code Civ. Proc., § 1033.5, subd. (a)(10)(B); Lab. Code, § 2699, subd. (k)(1).)

B. Assessment of What Portion of Incurred Attorney's Fees are Reasonable

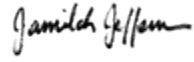
As the Court finds Plaintiff's attorney's fees to be reasonable, attorney's fees in the amount of \$76,666.67 are awarded to Plaintiff, who is the prevailing party in this PAGA action. (Code Civ. Proc., §§ 1033.5, subd. (a)(10)(B); Lab. Code, § 2699, subd. (k)(1).)

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

The Court orders counsel to obtain a copy of this order from the eCourt portal.

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

Dated : 02/06/2026



Jamilah A. Jefferson / 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 02/06/2026
PLAINTIFF/PETITIONER: Kenneth Gibson	Chad Finke, Executive Officer / Clerk of the Court By: <u><i>Danielle Labrecque</i></u> Deputy D. Labrecque
DEFENDANT/RESPONDENT: Shimmick CEC Joint Venture et al	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 23CV026333

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 Attorney Fees filed by Kenneth Gibson (Plaintiff) CRS# A-26333-006 filed by Kenneth Gibson (Plaintiff) on 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.

ALVIN ARCEO
aarceo@littler.com

Mark Yablonovich
Law Offices of Mark Yablonovich
mark@yablonovichlaw.com

Dated: 02/06/2026

Chad Finke, Executive Officer / Clerk of the Court

By:

Danielle Labrecque

D. Labrecque, Deputy Clerk