

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Francisco Diosdado Miranda
Plaintiff/Petitioner(s)
VS.
Course, Inc. et al
Defendant/Respondent
(s)

No. RG21105433

Date: 06/10/2026

Time: 1:30 PM

Dept: 18

Judge: Patrick McKinney

ORDER Hearing on Motion for Order
Granting Preliminary
Approval of Class Action
and PAGA Settlement
CRS# 803758494204

The Motion for Preliminary Approval of Settlement filed by Francisco Diosdado Miranda on 05/04/2026 is Granted.

BACKGROUND

This is a consolidated wage-and-hour class action and PAGA representative action. Plaintiffs Francisco Diosdado Miranda, Ferial Samhuri, Todd Bartolomeo, and Fiona Tideman Ball have agreed to settle the claims against Defendant The Bay Clubs Company, LLC for \$4,000,000.00. Plaintiffs seek preliminary approval of the settlement, including approval of an award of up to \$1,333,33.33 in attorney's fees; reimbursement of up to \$110,000.00 in litigation costs; up to \$65,000.00 in service awards for the named plaintiffs; and up to \$50,000.00 in PAGA penalties, 65% of which go to California's Labor and Workforce Development Agency (LWDA) and 35% to aggrieved employees. (This case consolidates actions brought both before and after the PAGA amendment, effective July 1, 2024, that changed the PAGA penalty split from 75-25 to 65-35, but the parties stipulated to an amended PAGA notice letter and First Amended Complaint in April 2026.) Plaintiffs' counsel informed the LWDA of the settlement, see Trabucco Decl., ¶ 27, fn. 2, and the motion is unopposed.

LEGAL STANDARD

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.) The court "must determine the settlement is fair, adequate, and reasonable." (*Id.* at p. 1801.) "The well-recognized factors that the trial court should consider in evaluating the reasonableness of a class action settlement agreement include 'the strength of plaintiffs' case, the risk, expense, complexity and likely duration of further litigation, the risk of maintaining class action status through trial, the amount offered in settlement, the extent of discovery completed and stage of

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the proceedings, the experience and views of counsel, the presence of a governmental participant, and the reaction of the class members to the proposed settlement.” (*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”].)

PRELIMINARY APPROVAL

Plaintiffs’ counsel investigated and obtained discovery from Defendant, analyzing Defendant’s policies, timekeeping records, and payroll data. (Trabucco Decl., ¶ 24.) The parties then participated in more than one arm’s length mediation with a professional mediator before reaching agreement. (*Id.*, ¶ 25.) Plaintiffs include an adequate *Kullar* analysis, providing a reasonable estimate of the number of class members, the total estimated possible recovery, and an explanation why the settlement was reasonable in light thereof. (See *id.*, ¶¶ 38–43.) The court gives “considerable weight to the competency and integrity of counsel and the involvement of a neutral mediator in assuring itself that a settlement agreement represents an arm’s length transaction entered without self-dealing or other potential misconduct.” (*Kullar, supra*, 168 Cal.App.4th at p. 129.) At the court’s request, the parties revised the agreement and proposed notice. (See Supp. Trabucco Decl., filed June 4, 2026.) The terms of the settlement and notice procedures are fair, reasonable, and adequate.

SERVICE AWARDS, FEES, & COSTS

The court will not rule on the service awards for the representative plaintiffs, attorney’s fees, or costs until final approval but provides the following preliminary guidance:

Any request for an incentive, enhancement, or service award must be supported with “quantification of time and effort expended on the litigation, and in the form of reasoned explanation of financial or other risks incurred by the named plaintiffs.” (*Clark v. Am. Residential Servs. LLC* (2009) 175 Cal.App.4th 785, 807.) This court’s benchmark is \$7,500.00.

This court’s benchmark for attorney’s fees is 30%. (See *Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495; *Schulz v. Jeppesen Sanderson, Inc.* (2018) 27 Cal.App.5th 1167, 1175; *Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 557 fn. 13; *Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 66 fn. 11.) A “court approving a settlement that includes a negotiated fee [] is required to decide if the fee negotiated by the parties closely approximates the value of the attorneys’ work.” (*Robbins v. Alibrandi*, 127 Cal.App.4th 438, 452.) Counsel must address the value of the attorneys’ work, as well as the justification for any deviation from this court’s benchmark. Ten percent of the attorney’s fee award must be held by the settlement administrator until completion of the distribution process and court approval of a final accounting.

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The settlement agreement authorizes reimbursement of litigation costs. Counsel must provide evidentiary support for the actual costs incurred at the time of final approval.

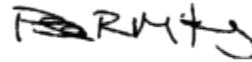
The court's preference is for Plaintiffs to move for final approval, including approval of service awards, attorneys' fees, and costs, in a single motion.

ORDER

Plaintiffs' motion for preliminary approval of class action settlement is GRANTED. The court will enter the proposed order submitted on June 4, 2026. A final approval hearing will be held on September 16, 2026 at 1:30 pm in Department 18. The moving party may obtain a reservation number from the clerk.

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

Dated : 06/10/2026



Patrick McKinney / Judge