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Attorneys for MANUEL BALUX OCH,
on behalf of himself, all others similarly situated,
and on behalf of the general public

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

MANUEL BALUX OCH, on behalf of
himself, all others similarly situated, and on
behalf of the general public

Plaintiffs,

v.

SAC PROFLOORS; and DOES 1-100,
Defendants.

Case No. 23CV031860
(Consolidated with Case No. 23CV039543)

*[Assigned for All Purposes to the
Hon. Michael Markman; Dept. 23]*

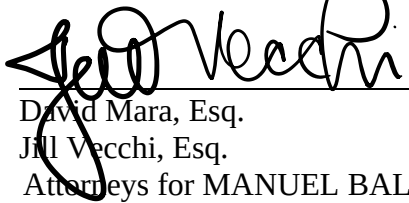
**NOTICE OF ENTRY OF ORDER RE:
HEARING ON MOTION FOR FINAL
APPROVAL OF SETTLEMENT FILED
BY MANUEL BALUX OCH
(PLAINTIFF) ON 08/19/2024**

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2
3 NOTICE IS HEREBY GIVEN that on September 12, 2024, the Court issued an Order re:
4 Hearing on Motion for Final Approval of Settlement Filed by Manuel Balux Och (Plaintiff) on
5 8/19/2024. A true and correct copy of the Court's Order is attached hereto as Exhibit 1.

6 Dated: September 12, 2024

MARA LAW FIRM, PC

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8 _____
9 David Mara, Esq.
10 Jill Vecchi, Esq.

11 Attorneys for MANUEL BALUX OCH,
12 on behalf of himself, all others similarly situated,
13 and on behalf of the general public
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Exhibit 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

MANUEL BALUX OCH on behalf
of himself, all others similarly
situated, and on behalf of the
general public et al

Plaintiff/Petitioner(s)

VS.

SAC PROFLOORS; et al

Defendant/Respondent

(s)

No. 23CV031860

Date: 09/12/2024

Time: 10:00 AM

Dept: 23

Judge: Michael Markman

ORDER re: Hearing on Motion for

Final Approval of

Settlement filed by

Manuel Balux Och

(Plaintiff) on 08/19/2024

No one appeared to contest or object. The court will affirm the tentative ruling as follows:

The Motion for Final Approval of Settlement filed by Manuel Balux Och on 08/19/2024 is
Granted.

Compliance Hearing re final accounting is scheduled for 01/23/2025 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. Plaintiffs Manuel Balux Och and Pedro Garcia Alferez and Defendant Sac ProFloors agreed to settle the claims for a gross settlement amount of \$942,500.00. The parties seek final approval of the settlement, including \$314,135.00 in attorney's fees; \$19,053.55 in litigation costs; a service payment of \$7,500.00 for each representative plaintiff; settlement administration costs of \$8,500.00, and \$50,000.00 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 May 14, 2024.

LEGAL STANDARD

To prevent "fraud, collusion or unfairness to the class, the settlement or dismissal of a

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

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 Mara Decl., ¶ 1–16; 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 26, 2024. The settlement administrator shall retain 10% of the attorneys’ fee award in an interest-bearing account, pending the submission and approval of a final compliance status report after completion of the distribution.

A final compliance hearing is set for January 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.

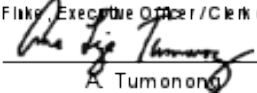
Dated : 09/12/2024



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 09/12/2024
PLAINTIFF/PETITIONER: MANUEL BALUX OCH on behalf of himself, all others similarly situated, and on behalf of the general public et al	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy A. Tumonong
DEFENDANT/RESPONDENT: SAC PROFLOORS; et al	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 23CV031860

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 Manuel Balux Och (Plaintiff) on 08/19/2024 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.

David Mara
Mara Law Firm, PC
dmara@maralawfirm.com

Dated: 09/12/2024

Chad Finke, Executive Officer / Clerk of the Court

By:



A. Tumonong, Deputy Clerk