

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 06/12/2026

TIME: 9:00 AM

DEPT: C-69

JUDICIAL OFFICER: EVAN P. KIRVIN

CLERK: Diana Tanner

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2023-00028531-CU-OE-CTL** CASE INIT.DATE: 07/07/2023

CASE TITLE: **Mendoza vs GAF Materials LLC [IMAGED]**

CASE CATEGORY: Civil CASE TYPE: (U)Other Employment

HEARING TYPE: Motion Hearing

MOVING PARTY: Anthony Mendoza

APPEARANCES

Jordan Belcastro, attorney for ANTHONY MENDOZA, Plaintiff, present via remote video appearance.
Rachael Howard, attorney for Building Materials Manufacturing LLC, FKA Building Materials
Manufacturing Corp, Defendant, present via remote video appearance.

The Court hears argument of plaintiff's counsel.

After hearing from the parties and taking the matter under submission, the Court rules as follows:

Plaintiff Anthony Mendoza's unopposed Motion for Approval of PAGA Settlement is **GRANTED**.

"The superior court shall review and approve any settlement of any civil action filed pursuant to this part. The proposed settlement shall be submitted to the agency at the same time that it is submitted to the court." (Lab. Code, § 2699(s)(2).) Here, the Settlement Agreement was submitted to the LWDA on July 3, 2025, a week prior to the filing of this motion. Plaintiff has therefore complied with Labor Code § 2699(s)(2).

In its prior order, the Court denied Plaintiff's initial motion for PAGA settlement approval because the scope of released claims was too broad, the proposed order was too scant, and there was insufficient

evidence that the selected settlement administrator was qualified to handle the matter. However, Plaintiff has rectified these issues in its renewed motion.

The proposed PAGA settlement of \$495,000 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.) The “Aggrieved Employees” includes Plaintiff and any person who worked as a non-exempt employee for Defendant GAF’s subsidiary Building Materials Manufacturing, LLC, formerly known as Building Materials Manufacturing Corp., in California during the “PAGA Period” (October 17, 2022 to the date the Court approves the settlement.). [ROA 52, pgs. 8, 10.]

The monetary terms of the PAGA Settlement are as follows:

Gross Settlement:	\$495,000
Attorney Fees (33%):	\$163,350
Administration Costs:	\$6,250
Plaintiff’s Service Award:	\$5,000
Net PAGA Settlement:	\$320,400

Net PAGA Settlement to the LWDA (75%): \$240,300

Net PAGA Settlement to the Aggrieved Employees (25%): \$80,100

There are approximately 474 aggrieved employees who worked approximately 36,277 pay periods. [ROA 52, pg. 3.] The penalty distribution is consistent with the mandate in Labor Code § 2699 in effect at the time Plaintiff filed the PAGA Notice and initial Complaint.

Plaintiff and his Counsel pursued informal discovery and evaluated data concerning the aggrieved parties before and after entering into settlement negotiations. The settlement is the product of arms-length negotiations between experienced counsel and was reached after a full-day mediation before Michael Ludwig. There is no indication the LWDA, nor any other individual or aggrieved employee, have objected to the settlement. Taken as a whole, Plaintiff adequately represented the state and the public’s interests.

The \$163,350 in attorneys' fees is reasonable and based on the 33% of the gross PAGA settlement. (Lab. Code, § 2699(g)(1).) Plaintiff's Counsel has also provided a lodestar calculation indicating the actual lodestar incurred by Plaintiff's Counsel is \$103,850, representing a multiplier of 1.6, which is within the range of reasonableness. Accordingly, the Court approves the requested attorneys' fees.

The \$6,250 in settlement administration expenses to Phoenix Settlement Administrators to administer the settlement is reasonable and capped to that amount in the Settlement Agreement. [ROA 52, pg. 12.] The Court thus approves the \$6,250 in settlement administration expenses.

Plaintiff's requested service award of \$5,000 is also reasonable and approved.

Thus, Plaintiff's Motion is GRANTED.

The Court sets a settlement compliance hearing for December 18, 2026 at 9:00 a.m.

If there are no issues with the administration of the settlement, the parties may submit a request to vacate the hearing along with the final report on distributions made pursuant to the terms of the settlement, and a proposed judgment.

Parties waive notice.

Evan P. Kirvin

Judge Evan P. Kirvin