TENTATIVE RULINGS

DEPT. CX103
(657-622-5303)

Judge David A. Hoffer
August 10, 2026

These are the Court's tentative rulings. They may become orders if the parties do not appear at the hearing. The Court also might make a different order at the hearing. (*Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442, fn. 1.)

If a party intends to submit on the Court's tentative ruling, please call the Court Clerk to inform the court. If both parties submit, the tentative ruling will then become the order of the Court.

APPEARANCES: Department CX103 conducts non-evidentiary proceedings, such as law and motion, remotely by Zoom videoconference. All counsel and self-represented parties appearing for such hearings should check-in online through the Court's civil video appearance website at https://www.occourts.org/media-relations/civil.html prior to the commencement of their hearing. Once the online check-in is completed, participants will be prompted to join the courtroom's Zoom hearing session. Check-in instructions and an instructional video are available on the court's website. All remote video participants shall comply with the Court's "Appearance Procedures and Information--Civil Unlimited and Complex" and "Guidelines for Remote Appearances" also posted online at https://www.occourts.org/media-relations/aci.html. A party choosing to appear in person can do so by appearing in the courtroom on the date/time of the hearing.

Court Reporters: Parties must provide their own remote court reporters (unless they have a fee waiver). Parties must comply with the Court's policy on the use of privately retained court reporters which can be found at:

- Civil Court Reporter Pooling; and
- Court Reporter Interpreter Services

THE PARTIES ARE PROHIBITED BY RULE OF COURT AND LOCAL RULE FROM PHOTOGRAPHING, FILMING, RECORDING, OR BROADCASTING THIS COURT SESSION.

#	Case Name	
1	30-2021-01201250 Konishi vs. Lounge Group, Inc.	The settlement administrator has confirmed that the distribution of the settlement funds has been made in accordance with the settlement terms that were approved by the court and that the amount of the uncashed checks from the settlement has been transmitted to the State Controller's Office's Unclaimed Property Fund. As Plaintiff has shown that the Administrator's work is complete, the court's file is now closed.

		Plaintiffs have not shown that they served the LWDA with their moving papers. Plaintiffs are ordered to give notice of this ruling to the LWDA and Defendant, to serve the LWDA with their original moving papers as well as any new papers filed for future hearings, and to file a proof of service showing such compliance.
7	30-2023-01346806 Herrera vs. 180 Snacks, Inc.	The tentative ruling is to continue Plaintiff's Motion for Preliminary Approval of Class and Representative Action Settlement to December 7, 2026 at 1:30 p.m. Counsel must file supplemental papers addressing the court's concerns below (not fully revised papers that would have to be reread) no later than 16 days before the next hearing date. Counsel must provide red-lined versions of all revised papers and settlement provisions. Counsel also should provide the court with an explanation of how the issues were resolved, with references to any corrections to the settlement agreement and the class notice, rather than with a supplemental declaration or brief that simply asserts the issues have been resolved. <u>As to the settlement</u>: 1. The settlement provides it must be determined, prior to preliminary approval, whether the escalator provision has been triggered and, if so, defendants' election of option. ¶ 8. 2. Provide the highest and lowest estimated individual class and PAGA awards. 3. As provided in the settlement (¶¶ 6.1-6.2) the parties (including defendants) should advise, in declarations filed with the court, whether, after making reasonable inquiry, they have become aware since executing the settlement agreement of any class, representative or other collective action in any court that asserts claims similar to those asserted in this action. If any such actions are known to exist, the declarations must also state the name and case number of any such case and the procedural status of that case, and must describe the impact of the settlement on that case. 4. While the court will not determine the amount of attorneys' fees to be awarded until final approval, the court is unlikely to approve attorneys' fees in excess of

		30% of the gross settlement amount absent unique circumstances. Plaintiff's counsel should address at final approval whether any such unique circumstances exist here. As to the notice: 5. The notice should be revised consistent with the above. 6. Replace "a good deal for you" with "fair." § 2 ¶ 2. 7. Remove "up to" with regard to amount of PAGA Penalties. § 3 ¶ 2(D). 8. Add "initially" between "also" and "decide." § 3 ¶ 8. 9. Inform class members and aggrieved employees that settlement documents will be available on the administrator's website for at least 180 days following entry of judgment, which occurs after the court grants final approval. § 9. As to the proposed order: 10. The proposed order should be revised consistent with the above. 11. The English and Spanish versions of the notice (including all forms) must be identified and exhibited to the order. ¶ 4. 12. Other than the first two sentences, paragraph 16 should be deleted. Additionally, remove the apostrophe before the second sentence in that paragraph. 13. Remove paragraph 17. Plaintiff is ordered to give notice of this ruling to the LWDA and defendants and to file a proof of service.
8	30-2018-01015248 Springs vs. SBM Site Services, LLC	Defendant SBM Site Services, LLC's ("Defendant") Motion for the Court to Reinstate Its Order Compelling Arbitration is **GRANTED**. The order granting Defendant's Motion to Compel Arbitration in part on January 27, 2023 (ROA 206), which was vacated on January 26, 2024 (ROA 253), is deemed reinstated.