

SUPERIOR COURT OF CALIFORNIA COUNTY OF TULARE			
Stevens, Jerrod Lamont Plaintiff/Petitioner, vs. BBQ Holdings, Inc. Defendant/Respondent.	Judicial Officer: David Mathias Clerk: Holly Bilbrey Bailiff: J Devora CSR: Interpreter: Language:		
Minutes: Motion Hearing Other Date: February 19, 2026	Case No. VCU300433 Department 01 Related Cases:		

Appearances: ☐ No Appearances

☐ Party: _____

☐ Remote Appearance

☐ Party: _____

☐ Remote Appearance

☐ Party: _____

☐ Remote Appearance

☐ Other: _____

☐ Remote Appearance

☐ Court makes interpreter findings on the record pursuant to GC 68561(g)/GC 68561(f)

☒ No court reporter was available for today's proceedings. ☒ Not Reported ☐ ER Number

☒ Attorney: Alan Wilcox, Counsel for Plaintiff
appearing by Zoom

☒ Remote Appearance

☒ Attorney: Helen Braginsky, Counsel for
Defendant appearing by Zoom

☒ Remote Appearance

☐ Attorney: _____

☐ Remote Appearance

Case is called at 10:48 AM:

Plaintiff's Counsel's request for oral argument was not timely.

Defendant's Counsel has no objection to oral argument being heard today.

Oral argument from Plaintiff's Counsel heard by Court.

The Court adopts the Tentative Ruling as follows with the modification that Plaintiff's Counsel may file an additional declaration as to any additional attorney fees or costs to be addressed at the Final Approval Hearing:

Motion: Continued Motion for Preliminary Approval Class Action and PAGA Settlement

Ruling: To grant the motion as modified herein; to set the motion for final approval for October 1, 2026; 8:30 am; D1. CMC is taken off calendar.

Facts

The Court ordered a supplemental declaration as to the notice period, lodestar, and presently incurred costs at the prior hearing. On February 10, 2026, Plaintiff's counsel filed a supplemental declaration addressing these issues.

Class Notice

The settlement agreement provides no claim form will be required of class members to participate in distributions. Only those wishing to object or opt out must file notice with the settlement administrator. Objections or opt out notices are now to be made within 60 days.

The Court regularly approves notice periods of 60 days or longer. The class notice period is therefore approved.

Attorneys' Fees and Costs

Attorneys' fees of 33 1/3% of the gross settlement fund of \$650,000 or \$216,666.67 and costs not to exceed \$30,000 are sought by Plaintiff's counsel

Counsel has utilized the percentage of common fund methodology as well as provided adequate lodestar information to evaluate the reasonableness of the fee request.

Here, Counsel indicates that the firm has spent 187.7 hours on this case, at rates between \$1,200 and \$500 per hour, resulting in a proposed base lodestar of \$157,930 (Declaration of Wilcox ¶3.)

The first issue is that 120 of the 187.7 hours claim were incurred by attorneys Marquez and Grigoryan, both of which are no longer employed by Wilshire Law Firm, PLC and for which the firm lacks itemized billing records therefrom. Therefore, approximately 2/3rds of the hours claimed are estimated via review of "communications and WLF's records" and the experience of counsel.

Although detailed time records are not required, courts have expressed a preference for contemporaneous billing and an explanation of work. (Raining Data Corp. v. Barrenechea (2009) 175 Cal.App.4th 1363, 1375.) "Of course, the attorney's testimony must be based on the attorney's personal knowledge of the time spent and fees incurred. (Evid. Code, § 702, subd. (a) ['the testimony of a witness concerning a particular matter is inadmissible unless he has personal knowledge of the matter'].) Still, precise calculations are not required; fair approximations based on personal knowledge will suffice." (Mardirossian & Associates, Inc. v. Ersoff (2007) 153 Cal.App.4th 257, 269.) The Court may make a downward adjustment if the billing entries are vague, "blockbilled," or unnecessary. (569 East County Boulevard LLC v. Backcountry Against the Dump, Inc. (2016) 6 Cal.App.5th 426, 441.)

The Court will, as to the 120 hours estimated by Marquez and Grigoryan, reduce each by one third. The declaration of counsel in support of these hours lacks personal knowledge, is the definition of blockbilled and no explanation of the work is provided.

Additionally, the Court notes that these rates are already higher than what is typically "...prevailing in the community for similar work." (PLCM Group Inc. v. Drexler (2000) 22 Cal.4th 1084, 1095.) The Court, therefore, adjusts the hourly rates as follows:

Name	Stated Hourly Rate	Approved Hourly Rate	Adjusted Hours	Total
Tyler J. Woods	\$1,200	\$950	10	\$9,500
Alan Wilcox	\$900	\$600	32.7	\$19,620
Justin Marquez	\$1,000	\$700	26.7	\$18,690
Arsine Grigoryan	\$800	\$500	53.3	\$26,650
Lucy Nguyen	\$500	\$350	25	\$8,750
Total Adjusted Base Lodestar:				\$83,210

Therefore, the Court finds an adjusted base lodestar of \$83,210.

To award \$216,666.67 in attorneys' fees as requested, the Court would need to apply a multiplier of 2.6.

The Court generally permits a maximum lodestar multiple of 1.5 in these cases.

The Court has reviewed the declarations of counsel in support of what is now an additional 1.1 multiplier, but, in its discretion, rules that the additional .5 awarded adequately takes into account the quality of the representation, the novelty and complexity of the issues, the results obtained, and the contingent risk presented. (See *In re Vitamin Cases* (2003) 110 Cal.App.4th 1041, 1052 quoting *Thayer v. Wells Fargo Bank* (2001) 92 Cal.App.4th 819, 833) Despite any agreement by the parties to the contrary, the Court has an independent responsibility to review the attorney fee provision of the settlement agreement and award an amount that it determines to be reasonable. (*Garabedian v. Los Angeles Cellular Telephone Co.* (2004) 118 Cal.App.4th 123, 128.)

Therefore, the Court will preliminarily approve \$124,815 in fees.

Counsel has also provided the current costs expended in amounts of \$27,422.06, (Declaration of Wilcox ¶5.) Therefore, the Court preliminarily approves costs not to exceed \$30,000.00.

Plaintiff's deductions from the gross settlement of \$650,000 are therefore preliminarily approved as follows:

Preliminarily Approved Attorney Fees (1.5 multiplier):	\$124,815
Preliminarily Approved Attorney Costs (up to):	\$30,000
Preliminarily Approved Enhancement Payment to Plaintiff :	\$5,000
Preliminarily Approved Settlement Administrator Costs	\$9,950
Preliminarily Approved Total PAGA payment	\$32,500
Preliminarily Approved Net Settlement Amount	\$447,735

The Court grants the motion, as modified herein, and sets the motion for final approval for October 1, 2026; 8:30 am; D1.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Visalia Division
221 S Mooney Blvd, Room 201
Visalia, CA 93291
559.730.5000

Stevens, Jerrod Lamont
Plaintiff/Petitioner,

vs.

BBQ Holdings, Inc.
Defendant/Respondent.

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) Case No. VCU300433
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CLERK'S CERTIFICATE OF SERVICE

I certify that I am not a party to this cause.

I certify that I caused the Minute Order dated February 19, 2026 to be served on the persons listed below in the following manner:

☒ BY MAIL: I placed the documents for collection and mailing on the date shown, so as to cause it to be mailed in a sealed envelope with postage fully prepaid on that date following standard court practices to the persons and addresses shown. The mailing and this certification occurred at Visalia, California on February 19, 2026.

☐ BY EMAIL: I transmitted the documents by electronic-mail to the parties designated email address on the date shown. The email and this certification occurred at Visalia, California on February 19, 2026.

☐ BY INTEROFFICE MAIL: I transmitted the documents by interoffice mail to the parties designated location on the date shown. The interoffice mailing and this certification occurred at Visalia, California on February 19, 2026.

STEPHANIE CAMERON,
CLERK OF THE SUPERIOR COURT
COUNTY OF TULARE

By 
Holly Bilbrey, Deputy Clerk

Names and Mailing/E-Mail Address of Person(s) Served:

LAURA DEVANE
LITTLER MENDELSON, P.C.
5200 N PALM AVE STE 302
FRESNO, CA 93704

JUSTIN MARQUEZ
WILSHIRE LAW FIRM
600 S FIGUEROA ST, SKY LOBBY
LOS ANGELES, CA 91741

TULARE COUNTY SUPERIOR COURT
VISALIA DIVISION
221 S MOONEY BLVD RM 201
VISALIA CA 93291-4593

RETURN SERVICE REQUESTED

SANTA CLARITA CA 913

25 FEB 2026 PM 6 L

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FEB 27 2026
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241601

JUSTIN MARQUEZ
WILSHIRE LAW FIRM
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LOS ANGELES, CA 91741

90017-340600

