

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 61

23STCV20084

May 30, 2025

9:00 AM

**CELIA FORD , ON BEHALF OF HERSELF AND ALL
OTHERS SIMILARLY SITUATED vs WILDFLOUR
BAKERY AND CAFE, LLC, AN UNKNOWN BUSINESS
ENTITY, et al.**

Judge: Honorable Lynne M. Hobbs
Judicial Assistant: Vanessa Trujillo
Courtroom Assistant: Diana De Leon

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Blake R. Jones (Telephonic); Norayr Zakaryan for Enoch Kim (Telephonic)

For Defendant(s): Graham G. Lambert (Telephonic)

NATURE OF PROCEEDINGS: Order to Show Cause Re: Dismissal (Settlement); Hearing on Motion - Other MOTION TO APPROVE THE PRIVATE ATTORNEYS GENERAL ACT SETTLEMENT UNDER CALIFORNIA LABOR CODE §§ 2698 et seq.

The Court's tentative ruling is electronically posted on the Court's website before the hearing is held.

The matter is not called for hearing. All parties submit to the Court's tentative.

After considering the moving papers, all documents relating to the motion, the Court adopts its tentative ruling as the final ruling of the Court as follows:

The Motion for Final Approval of Settlement filed by Celia Ford , on behalf of herself and all others similarly situated on 02/26/2025 is Granted.

Tentative:

Plaintiffs Celia Ford and David Lord Lindsay's Motion for Approval of PAGA Settlement is GRANTED.

Analysis:

I. MOTION TO APPROVE SETTLEMENT

Under PAGA, "[t]he 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

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time that it is submitted to the court.” (Lab. Code, § 2699, subd. (1)(2).)

“[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.)

Federal courts have compared and contrasted PAGA settlements to class action settlements:

In the class action context, where PAGA claims often also appear, a district court must independently determine that a proposed settlement agreement is “fundamentally fair, adequate and reasonable” before granting approval. [Citations.] However, as the parties rightly point out and as noted above, this is not a class action lawsuit, and PAGA claims are intended to serve a decidedly different purpose—namely to protect the public rather than for the benefit of private parties. [Citation.] In one recent district court case, the LWDA provided some guidance regarding court approval of PAGA settlements. [Citations.] In that case, where both class action and PAGA claims were covered by a proposed settlement, the LWDA stressed that “when a PAGA claim is settled, the relief provided for under the PAGA be genuine and meaningful, consistent with the underlying purpose of the statute to benefit the public and, in the context of a class action, the court evaluate whether the settlement meets the standards of being “fundamentally fair, reasonable, and adequate” with reference to the public policies underlying the PAGA.” (Salazar, supra, 2017 WL 1135801 at pp. 3–4.) A number of these factors, “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,” have been recognized as useful in the analysis of PAGA settlements. (Moniz, supra, 72 Cal.App.5th at p. 77.)

Plaintiffs Celia Ford and David Lord Lindsay (Plaintiffs) bring the present motion seeking approval of a PAGA settlement reached with Defendants Wildflour Bakery & Café LLC, Kanan Baking Co., Inc., and Greg Yulish (Defendants).

The terms of the settlement are as follows. Defendants are to pay a gross settlement amount of \$80,000.00. (Jones Decl. Exh. A, § 1.10.) From this amount, Plaintiffs’ counsel are to be paid \$28,000, amounting to 35% of the total, based on a contingency fee agreement with Plaintiffs. (Jones Decl. Exh. A, § 3.2.1; Kim Decl. ¶ 21.) Plaintiffs’ counsel are also to be paid expenses not exceeding \$24,000 (Jones Decl. Exh. A, § 3.2.1), although the actual costs they calculate amount

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to \$22,005.18. (Jones Decl. Exh. C; Kim Decl. Exh. 2.)¹ \$3,500.00 is apportioned to the settlement administrator (Jones Decl. Exh. A, § 3.2.2), while each Plaintiff is to receive a payment of \$5,000.00. (Jones Decl. Exh. A, § 3.2.3.)

This leaves \$14,500 in PAGA penalties, to be distributed 75% to the Labor Workforce Development Agency (\$10,875.00) and the remainder (\$3,625) to aggrieved employees. It is estimated that there are 135 aggrieved employees and 1,097 pay periods among them, for an average per-employee payment of \$26.85. (Kim Decl. ¶ 9.) Plaintiffs estimate Defendants' total PAGA exposure to be \$107,900, based on the attribution of a \$100 PAGA penalty to each pay period at issue. (Motion at p. 7.) They also justify the settlement amount on the uncertainties of litigation, the court's discretion to reduce penalties to less than their full amount, and the financial condition of Defendants. (Kim Decl. ¶ 18.)

Plaintiffs' counsel submit separate lodestar calculations to justify their fee awards, with attorney Enoch J. Kim stating that his firm, D.Law, Inc., invested 81.9 hours into the prosecution of this matter (Kim Decl. ¶ 25), while attorney Blake R. Jones states that his firm incurred 83.3 hours of attorney work. (Jones Decl. Exh. B.) This would yield an average hourly rate of \$169.49, measured against the \$28,000 apportionment for attorney fees from the gross settlement amount.

The settlement comports with the purposes of PAGA and is fair and reasonable. Plaintiffs make a persuasive showing for the amount and allocation of the settlement award, and present evidence showing the reasonableness of the attorney fee request, calculated as a percentage of the settlement. The calculation of attorney fees from a percentage of a common fund created by a settlement agreement is a permissible mode of fee calculation. (See *Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 503.) Courts may evaluate the reasonableness of any percentage-based attorney fee award through a "cross-check" with a lodestar calculation, as Plaintiffs present here. (See *Laffitte v. Robert Half Internat. Inc.* (2016) * Cal.5th 480, 505.)

The motion is therefore GRANTED.

*Each Plaintiff in this action retained separate counsel and initially filed separate actions, which were related, and then incorporated into one amended complaint in this action by stipulation on September 13, 2024. Thus each counsel offers separate cost bills for their related claims.

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IT IS SO ORDERED.

The Court sets the following:

Status Conference Re: Disbursement of Funds is scheduled for 10/10/2025 at 09:00 AM in Department 61 at Stanley Mosk Courthouse.

On the Court's own motion, the Order to Show Cause Re: Dismissal (Settlement) scheduled for 05/30/2025 is continued to 10/10/2025 at 09:00 AM in Department 61 at Stanley Mosk Courthouse.

Notice is waived.