

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

24CV061745: RAMIREZ vs NABIFIVE LLC

**10/21/2025 Hearing on Motion for Order Motion for PAGA Settlement Approval; filed by
Christopher Ramirez (Plaintiff) CRS# 692066974542 in Department 18**

Tentative Ruling - 10/17/2025 Patrick McKinney

The Motion for Order Motion for Approval of PAGA Settlement filed by Christopher Ramirez on 09/10/2025 is Granted.

BACKGROUND FACTS

This is a PAGA representative action based on alleged violations of the Labor Code. Plaintiff Christopher Ramirez and Defendant Nabifive, LLC have agreed to settle for \$1,089,000.00, which includes up to \$359,370.00 in attorney fees; reimbursement of up to \$19,009.01 in litigation costs and expenses; a service award of up to \$10,000.00 for the representative plaintiff; and settlement administration costs of up to \$4,450.00. The remaining settlement funds will be distributed as PAGA penalties, 75% to California's Labor and Workforce Development Agency (LWDA) and 25% to aggrieved employees. Plaintiff estimates that aggrieved employee will receive an average payment of \$448.56. Notice of the proposed settlement was provided to the LDWA. (Mara Decl., ¶ 48, Ex. 7.)

LEGAL STANDARD

Under the Private Attorneys General Act of 2004 (PAGA), an employee aggrieved by his or her employer's alleged Labor Code violations may be authorized to act as an agent of LWDA to bring a civil action to recover civil penalties. An employee may settle that lawsuit on behalf of the state, but settlement requires court review and approval. (See Labor Code, § 2699.)

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.) Although PAGA cases and class actions are different, the analysis for settlement approval involves many of the same 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." (*Ibid.*)

DISCUSSION

Plaintiff obtained information from Defendant, and the parties participated in mediation with a private mediator before settling. (Mara Decl., ¶¶ 13–15.) The court gives "considerable weight to the competency and integrity of counsel and the involvement of a neutral mediator in assuring itself that a settlement agreement represents an arm's length transaction entered without self-dealing or other potential misconduct." (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 129 [class action context].) Plaintiff's counsel cites extensive team experience in similar litigation. (See, e.g., Mara Decl., ¶¶ 4–10, 35, 40.) At the court's request, the parties

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revised the scope of PAGA release, identified a cy pres beneficiary, and adjusted the amounts of the attorney's fee and representative service awards. (See Vecchi Decl., filed Oct. 15, 2025.) The court is satisfied that the PAGA settlement is generally "fair to those affected." (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 549.)

ORDER

Plaintiff's motion for approval of PAGA settlement is GRANTED. The court will enter the proposed order and judgment submitted on October 15, 2025.

HOW DO I CONTEST A TENTATIVE RULING?

THROUGH eCOURT

Notify the Court and all the other parties no later than 4:00 PM one court day before the scheduled hearing, and briefly identify the issues you wish to argue through the following steps:

1. Log into eCourt Public Portal
2. Case Search
3. Enter the Case Number and select "Search"
4. Select the Case Name
5. Select the Tentative Rulings Tab
6. Select "Click to Contest this Ruling"
7. Enter your Name and Reason for Contesting
8. Select "Proceed"

BY EMAIL

Send an email to the DEPARTMENT CLERK (dept23@alameda.courts.ca.gov) and all the other parties no later than 4:00 PM one court day before the scheduled hearing. This will permit the department clerk to send invitations to counsel to appear remotely.

Notice via **BOTH** eCourt **AND** email is required. The tentative ruling will become the ruling of the court if no party contests the tentative ruling.