

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

Tani G. Cantil-Sakauye Courthouse, Department 8A

JUDICIAL OFFICER: HONORABLE JILL H. TALLEY

Courtroom Clerk: T. Shaddix

Court Attendant: M. Aria

CSR: None

23CV010358

August 21, 2026

9:00 AM

HANLEY, et al.

vs

BUENA VISTA CONSTRUCTION GROUP, INC., et al.

MINUTES

APPEARANCES:

No Appearances

NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Approval of Settlement

There being no request for oral argument, the Court affirmed the tentative ruling.

TENTATIVE AFFIRMED

Plaintiff Justin Anthony Hanley's ("Plaintiff") motion for preliminary approval of class and representative action settlement is UNOPPOSED and GRANTED as follows.

However, Plaintiff must amend the proposed Class Notice at section 19 to state that the final approval hearing will take place in Department 8A of the Sacramento Superior Court, located at 500 G Street, Sacramento, CA 95814 before the notice is sent out.

Overview

On October 24, 2023, Plaintiff filed this wage and hour class action against Defendant Buena Vista Construction Group, Inc. ("Defendant"), alleging the following causes of action: (1) failure to pay minimum and straight time wages; (2) failure to pay overtime wages; (3) failure to provide meal periods; (4) failure to authorize and permit rest periods; (5) failure to timely pay final wages at termination; (6) failure to provide accurate itemized wage statements; (7) failure to indemnify employees for expenditures; and (8) unfair business practices.

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On April 15, 2024, Plaintiff filed the operative First Amended Complaint to add a cause of action for civil penalties under the Private Attorneys General Act (“PAGA”).

On March 24, 2025, the Parties attended private mediation with the Hon. Howard R. Broadman (Ret.), following which, the Parties agreed to resolve this action. (Gomez Decl., ¶¶ 7-8.) Prior to mediation, the Parties conducted informal discovery which included a sample of time and pay records for Class Members, Defendant’s documents of its wage and hour policies and practices during the Class Period, and information regarding the total number of current and former employees. (*Id.* at ¶ 5.)

The Parties entered into a written settlement agreement and now move for preliminary approval of the class and representative settlement. This ruling incorporates by reference the definitions in the Agreement and all capitalized terms defined therein shall have the same meaning in this ruling as set forth in the Agreement. (*Id.* at ¶ 8, Exh. 2 (“Agreement”).)

Settlement Class Certification

Plaintiff moves to certify the following Class: all non-exempt, hourly individuals that worked for Defendant in California from April 29, 2019 through June 22, 2025. (Agreement, ¶¶ 1.5, 1.13.) There are approximately 208 Class Members. (*Id.* at ¶ 4.1.) The Parties stipulated to certification for settlement purposes. (*Id.* at ¶ 12.1.) The Court finds, based on the moving papers, that Plaintiff has established the requisites for class certification. Accordingly, the Court preliminarily certifies the proposed Class for settlement purposes only.

Aggrieved Employees

An Aggrieved Employee is defined to mean, “all non-exempt, hourly individuals that worked for Defendant in California during the PAGA Period.” (Agreement, ¶ 1.4.) The PAGA Period is defined to mean December 11, 2022, through June 22, 2025. (*Id.* at ¶ 1.36.) Aggrieved Employees will receive an Individual PAGA Payment regardless of whether they opt out of the settlement’s class component. (*Id.* at 4.4.1, Exh. A (“Class Notice”) at p. 2.) Plaintiff’s counsel gave notice of the settlement to the Labor and Workforce Development Agency (“LWDA”). (Gomez Decl., ¶ 9, Exh. 3.)

Class Representative

Plaintiff is preliminarily appointed as Class Representative for settlement purposes only.

Class Counsel

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The Court preliminarily appoints Benjamin Haber, Daniel Kramer, Chase Stern, Alan Wilcox, and Bradford Smith of Wilshire Law Firm, PLC, as Class Counsel for settlement purposes only.

Settlement Administrator

The Court approves ILYM Group, Inc. as Settlement Administrator.

Fair, Adequate, and Reasonable Settlement

The Court must find a settlement is “fair, adequate, and reasonable” before approving a class action settlement. (*Wershba v. Apple Computer* (2001) 91 Cal.App.4th 224, 244-245.) The trial court has broad discretion to determine whether a proposed settlement in a class action is fair, adequate, and reasonable. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.) In making its fairness determination, the Court considers the strength of the Plaintiff’s case, the risk, expenses, complexity and likely duration of further litigation, the risk of maintaining class action status through trial, the amount offered in settlement, the extent of discovery completed and the state of the proceedings, and the experience and views of counsel. (*Id.* at p. 1801.) In approving a class action settlement, the Court must “satisfy itself that the class settlement is within the ‘ballpark’ of reasonableness.” (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 133.)

This is a non-reversionary, opt out settlement. Defendant will pay a Gross Settlement Amount (“GSA”) of \$475,000. (Agreement, ¶ 1.23, 3.1.) Defendant will separately pay the employer payroll taxes owed on the wage portions of the Individual Class Payments. (*Id.* at ¶ 3.1.) The following will be paid out of the GSA: (1) a service payment to Plaintiff of not more than \$10,000; (2) attorneys’ fees award equaling not more than 1/3 of the GSA (estimated to be \$158,333.33) and litigation expenses payment not to exceed \$20,000 to Class Counsel; (3) settlement administration costs not to exceed \$10,000, absent good cause; (4) Individual Class Payments; and (5) a PAGA Penalty of \$40,000 – 75% of which (\$30,000) will be paid to the LWDA and 25% of which (\$10,000) will be allocated to the Individual PAGA Payments. (Agreement, ¶¶ 3.1-3.2.)

For tax purposes, Individual Class Payments shall be allocated as follows: 25% as wages and 75% as interest and penalties. (*Id.* at ¶ 3.2.4.1.) PAGA payments will be treated as penalties. (Notice, p. 5.) Class Members have 60 days to respond to the Notice, with an additional 15 calendar days for Notice packets that are resent after being returned as undeliverable. (Agreement, ¶¶ 1.44, 7.4.4.) For any Class Member whose Individual Class Payment check or Individual PAGA Payment check is uncashed and cancelled after the void date, the Administrator will transmit the funds to the California State Controller's Unclaimed Property Fund in the name of the Class Member. (*Id.* at ¶ 4.4.3.)

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Each Class Member is eligible to receive an average net benefit of approximately \$1,153.45. (Gomez Decl., ¶ 27.)

Disposition

The Court preliminarily finds that all relevant factors support settlement approval. (*Dunk, supra*, 48 Cal.App.4th at p. 1802.) The papers demonstrate the settlement was reached after arms-length bargaining between the parties and was reached after sufficient discovery and negotiations, which allowed the Parties, and therefore, this Court, to act intelligently with respect to the settlement.

Class Counsel conducted an investigation into the facts and law and issues in this case, including the exchange of informal discovery and the review of relevant information. The settlement appears to be within the “ballpark of reasonableness.” (Gomez Decl., ¶¶ 14-27.) Therefore, the motion is GRANTED.

The Court also approves the proposed Class Notice **subject to the Parties amending the Notice as indicated at the beginning of this ruling**. The Notice shall be disseminated as provided in the Agreement.

The Final Approval Hearing will take place on January 22, 2027, at 9:00 a.m., in Department 8A.

The Court will sign the Proposed Order submitted with the moving papers. The Court will amend the hearing date for the Final Approval Hearing in paragraph 13.

Plaintiff must include any request for attorneys’ fees, costs, and the service award in the final approval motion, *not* a separately filed motion.

Counsel for Plaintiff is directed to notice all parties of this order.

Hearing on Motion for Final Approval of Settlement is scheduled for 01/22/2027 at 09:00 AM in Department 8A at Tani G. Cantil-Sakauye Courthouse.

/s/ T. Shaddix

T. Shaddix, Deputy Clerk

By:

Minutes of: 08/21/2026
Entered on: 08/21/2026

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