

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 02/20/2026

TIME: 9:30 AM

DEPT: C-72

JUDICIAL OFFICER: MARCELLA O. MCLAUGHLIN

CLERK: Blanca Delgado

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: O. Godoy

CASE NO: **37-2023-00044086-CU-OE-CTL** CASE INIT.DATE: 10/11/2023

CASE TITLE: **Aragon vs San Diego Free Ride LLC [E-File]**

CASE CATEGORY: Civil CASE TYPE: (U)Other Employment

HEARING TYPE: Motion Hearing

MOVING PARTY:

APPEARANCES

Jasmine M Samuels, Attorney for Defendant(s), present via remote video appearance.

Emily Borman, attorney for Charles Aragon, Plaintiff, present via remote video appearance.

All parties submit(s) on the Court's tentative ruling.

The Court CONFIRMS the tentative ruling as follows:

Plaintiffs' unopposed motion for final approval of class action and PAGA settlement is GRANTED.

A. The court finds that the settlement, taken as a whole, is fair, reasonable, and adequate to all concerned. *See Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801; *see also Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77, disapproved on another ground in *Turrieta v. Lyft, Inc.* (2024) 16 Cal.5th 664. Accordingly, the court approves the parties' proposed settlement.

B. The litigation costs of \$29,677.75, payable to class counsel, and the claims administration costs of \$8,000, payable to Phoenix Settlement Administrators, are reasonable for a case of this type and have been substantiated. (See Miller Decl., ¶ 3; *see also* Lee Decl., ¶ 17.) Moreover, the litigation costs are less than the amount originally estimated in the preliminary approval papers (\$35,000). Thus, the costs are approved.

C. The proposed service award of \$5,000 to each plaintiff is reasonable under the circumstances and not disproportionate to the average amount that the participating settlement class members will receive. The service award is therefore approved.

D. Finally, with respect to attorneys' fees, "[t]he court has a duty, independent of any objection, to assure that the amount and mode of payment of attorneys' fees are fair and proper, and may not simply act as a rubber stamp for the parties' agreement." *Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 555. In common fund cases like this one, trial courts have discretion to begin with a percentage-of-recovery approach and then to use the "lodestar" approach to cross-check the reasonableness of the percentage. *Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 503-06.

Here, the attorney's fees proposal of \$98,333.33 represents one-third of the gross settlement amount of \$295,000. This is not out of line with class action fee awards calculated using the percentage-of-the-benefit method. See *Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 66 fn. 11.

Moreover, the evidence shows that plaintiffs' attorneys expended a total of 228 hours prosecuting this action on behalf of plaintiffs and the putative class. (Yslas Decl., ¶ 20.) This results in a blended hourly rate of approximately \$431.29 (\$98,333.33 in requested fees divided by 228 hours), which is reasonable for similar work in San Diego County during the relevant time period. The requested fee award is also less than counsel's theoretical lodestar of \$195,635 (calculated using counsel's higher design hourly rate). (See *id.*) Thus, the requested fees represent, in effect, a negative multiplier.

In sum, the court finds that a fee award of \$98,333.33. is reasonable under the circumstances and hereby approved. See *Nemecek & Cole v. Horn* (2012) 208 Cal.App.4th 641, 651 ("The amount to be awarded as attorney fees is left to the sound discretion of the trial court, which is in the best position to evaluate the services rendered by an attorney in his courtroom.").

E. The court will modify and sign the revised proposed order and judgment submitted with the moving papers. See ROA 83. Plaintiffs must submit the signed order to the LWDA within 10 days. See Lab Code § 2699(s)(3).

IT IS SO ORDERED:

Marcella O. McLaughlin

Judge Marcella O. McLaughlin