SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 10/02/2026 TIME: 9:30 AM DEPT: C-72

JUDICIAL OFFICER: MARCELLA O. MCLAUGHLIN
CLERK: Blanca Delgado
REPORTER/ERM: Not Reported
BAILIFF/COURT ATTENDANT:

CASE NO: **37-2023-00053185-CU-OE-CTL** CASE INIT.DATE: 12/06/2023
CASE TITLE: **Azhocar vs Accel Framing Inc [E-File]**
CASE CATEGORY: Civil CASE TYPE: (U)Other Employment

HEARING TYPE: Motion Hearing
MOVING PARTY:

APPEARANCES

Bradford Smith, attorney for RICHARD A AZHOCAR, Plaintiff, present via remote video appearance.

Attorney Smith submit(s) on the Court's tentative ruling.

The Court CONFIRMS the tentative ruling as follows:

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

A. The court concludes 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 $11,726.06, payable to plaintiff's counsel, and the claims administration costs of $12,500, payable to Apex Class Action, are reasonable for a case of this type and have been substantiated. (*See* Kim Decl., ¶ 41; *see also* Nava Decl., ¶ 19.) Moreover, the former is less than the amount estimated in the preliminary approval papers ($17,831.95). Thus, the costs are approved.

C. The proposed service award of $5,000 to plaintiff is reasonable under the circumstances and not disproportionate to the average amount that the 660 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 $80,000 represents one-third of the gross settlement amount of $240,000. 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.

Turning to the lodestar "cross-check," the evidence shows that plaintiff's counsel expended a total of 128.9 hours prosecuting this action on behalf of plaintiff and the putative class. (Kim Decl., ¶ 27.) This results in a blended hourly rate of approximately $620.64 ($80,000 in requested fees divided by 128.9 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 $128,054.20 (calculated using counsel's much higher design hourly rates). (*See id.*) Thus, the requested fees represent, in effect, a negative multiplier. In sum, the court finds that a fee award of $80,000 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 sign the proposed order and final judgment submitted with the moving papers. *See* ROA 60. Plaintiff 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