

TENTATIVE RULINGS

**DEPT. CX103
(657-622-5303)**

**Judge David A. Hoffer
November 10, 2025**

These are the Court's tentative rulings. They may become orders if the parties do not appear at the hearing. The Court also might make a different order at the hearing. (*Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442, fn. 1.)

If a party intends to submit on the Court's tentative ruling, please call the Court Clerk to inform the court. If both parties submit, the tentative ruling will then become the order of the Court.

APPEARANCES: Department CX103 conducts non-evidentiary proceedings, such as law and motion, remotely by Zoom videoconference. All counsel and self-represented parties appearing for such hearings should check-in online through the Court's civil video appearance website at <https://www.occourts.org/media-relations/civil.html> prior to the commencement of their hearing. Once the online check-in is completed, participants will be prompted to join the courtroom's Zoom hearing session. Check-in instructions and an instructional video are available on the court's website. All remote video participants shall comply with the Court's "Appearance Procedures and Information--Civil Unlimited and Complex" and "Guidelines for Remote Appearances" also posted online at <https://www.occourts.org/media-relations/aci.html>. A party choosing to appear in person can do so by appearing in the courtroom on the date/time of the hearing.

Court Reporters: Parties must provide their own remote court reporters (unless they have a fee waiver). Parties must comply with the Court's policy on the use of privately retained court reporters which can be found at:

- Civil Court Reporter Pooling; and
- Court Reporter Interpreter Services

THE PARTIES ARE PROHIBITED BY RULE OF COURT AND LOCAL RULE FROM PHOTOGRAPHING, FILMING, RECORDING, OR BROADCASTING THIS COURT SESSION.

#	Case Name	

6	30-2024-01376392 Phu vs. Microvention, Inc.	The hearing on plaintiff's motion for preliminary approval of a class action and PAGA settlement is CONTINUED to March 30, 2026 at 1:30 p.m. in Department CX103 to permit the parties to address and respond to the below issues. A supplemental brief must be filed at least 16 court days before the hearing and must address as necessary each of the below points. If required, an amendment to the settlement agreement is directed, rather than "amended settlement agreement," to streamline the court's review. The parties shall also provide redlined copies of any revised documents. The court has the following questions and comments: 1. Were all supporting papers served on the LWDA? Plaintiff must file with the court a proof of service identifying the specific documents served on the LWDA, when plaintiff served the documents, and how service was effected. <u>As to the Settlement:</u> 2. The operative complaint is the Second Amended Complaint ("SAC). ¶ 2.1. "Operative Complaint" should be capitalized. Id. The term "Complaints" should include the SAC. Id. 3. The settlement provides that one of the options must be selected prior to the preliminary approval hearing, so that the class period is "certain." ¶ 8. Which option does defendant select? 4. The Response Deadline (¶ 1.42) should include disputes. Additionally, the court favors a 60-day

		response deadline for submitting exclusions, objections, and disputes. See also ¶¶ 7.5.1, 7.6, 7.7.2, 7.8.4. Do special circumstances warrant a shorter period here? 5. The Administrator may make the initial decision regarding disputes and requests for exclusion, but the settlement should reflect that the administrator’s decision is not final and that the parties will file with the court all disputes and requests for exclusion submitted, including the evidence submitted, and the administrator’s initial decision. ¶¶ 7.5.2, 7.6, 7.8.4. 6. The “Released Parties” provision is overbroad. ¶ 1.40. Unidentified former and present “attorneys [and] insurers” should not be included. Id. 7. The “Released Class Claims” provision is overbroad. ¶ 5.2. The term “legal theories” should be deleted. Id. 8. The “Released PAGA Claims” provision is overbroad. ¶ 5.4. The term “legal theories” should be deleted. Id. Additionally, this release should be limited to the “Operative Complaint.” 9. While the court will not determine the amount of attorneys’ fees to be awarded until final approval, the court is unlikely to approve attorneys’ fees in excess of 30% of the gross settlement amount absent unique circumstances. Plaintiff’s counsel should address at final approval whether any such unique circumstances exist here. 10. While the court will not determine the amount of any enhancement award to be paid to plaintiff until final approval, the court is unlikely to approve an enhancement award in excess of \$5,000 absent unique circumstances. Plaintiff should address at final approval whether any such unique circumstances exist here. Notably, an enhancement award is not intended to compensate plaintiff for a general release of claims. <u>As to the Notice:</u> 11. The notice should be revised consistent with the above.
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		25. As above, the response deadline should be 60 days and include disputes. ¶¶ 9, 13. 26. Correct the Department number and propose a realistic final approval hearing date. ¶ 10. 27. Final approval papers shall be filed no later than 16 days prior to the hearing. ¶ 12. Delete the phrase “according to the time limits set by the Code of Civil Procedure.” 28. The proposed order should include a provision the court will retain jurisdiction to enforce the settlement pursuant to Civil Procedure Code section 664.6. 29. Replace paragraph 15 with the following: “The court orders the parties and the settlement administrator to carry out their duties and obligations in accordance with terms of the settlement agreement and this order.” Plaintiff is ordered to provide notice, including to the LWDA, and to file a proof of service. Plaintiff must also serve the LWDA with any supplemental brief and any amended settlement documents and file a proof of service.