

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Ali Abid-Castelo
Plaintiff/Petitioner(s)
VS.
ITW Food Equipment Group
LLC, a corporation
Defendant/Respondent
(s)

No. 24CV065981
Date: 01/13/2026
Time: 2:30 PM
Dept: 21
Judge: S. Raj Chatterjee

ORDER re: Hearing on Motion -
Other Motion for
Preliminary Approval of
Settlement; filed by Ali
Abid-Castelo (Plaintiff)
CRS# 924764984611 filed
by ITW Food Equipment
Group LLC, a corporation
(Defendant) on
11/19/2025

Prior to the hearing, the Court issued a tentative ruling, which was not contested and was affirmed as set forth below.

The Motion for Preliminary Approval of Settlement filed by Ali Abid-Castelo on 09/23/2025 is Granted in Part.

The motion of plaintiffs for preliminary approval of class action and PAGA settlement is GRANTED with one amendment.

The Order of 11/25/25 identified certain concerns. The filing on 1/6/26 addressed the concerns, but created a new concern.

NEW ISSUE. The Order of 11/25/25 explained the possibility that depending on the distribution process there might be good cause to have a second distribution. The Amendment to section 4.4.3 does not permit judgment in determining whether there will be a second distribution and limits court review. The current text of 4.4.3 reads: "If the amount of uncashed Settlement funds after the Void Date equals or exceeds \$100,000.00, that amount will be used to make a second

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distribution to the Class Members who cashed their first checks (both Participating Class Members and Non-Participating Class Members who were sent checks).”

The Court ORDERS that the text of 4.4.3 will read:

If any Individual Class Payment check or Individual PAGA Payment check is uncashed and cancelled after the Void Date, within 7 calendar days following the Void Date the Administrator shall identify the total amount of uncashed Settlement funds from those checks. Class counsel will then determine whether it is appropriate to have a second distribution of the funds from the uncashed checks to the Class Members who cashed their first checks (both Participating Class Members and Non-Participating Class Members who were sent checks). Class counsel will consider the amount of funds that could be distributed effectively to the absent class members, considering the amount of residual funds, the number of absent class members who cashed their checks, the administrative cost of distribution, and whether it is appropriate to send checks only to class members who will receive funds over some amount so that the class avoids the administrative expense of sending checks of very little value to absent class members. In any second distribution, the uncashed Settlement funds will be distributed proportionally among those Class Members who cashed their first checks using the same methodology that was used in the first distribution, unless counsel determines not to send checks of very little value to absent class members. The checks in any second distribution will be void 60 days after mailing. After class counsel has made all reasonable efforts to distribute the funds to the absent class members, then class counsel will file a final accounting with the court. If the court approves the final accounting, the court will at that time authorize class counsel to distribute the residual funds to the State Bar’s Greg E. Knoll Justice Gap Fund, consistent with Code of Civil Procedure Section 384 (“Cy Pres Recipient”). The Parties, Class Counsel and Defense Counsel represent that they have no interest or relationship, financial or otherwise, with the intended Cy Pres Recipient.

The Court ORDERS that preliminary approval is granted with the above amendment to section 4.4.3.

PRELIMINARY APPROVAL OF THE SETTLEMENT

The complaint alleges various Labor Code claims.

The case preliminarily settled for a total of \$1,400,000. The settlement agreement states there will be attorneys' fees of up to \$ 490,000 (35%), costs of up to \$35,000, Service Payment of \$10,000.00 to each Plaintiff; a PAGA payment of \$ 70,000 (\$52,500 to the LWDA), and administrative expenses of up to \$ 7,750. After these expenses of approximately \$560,000, the amount available to be distributed to the Class would be \$840,000. There are an estimated 301 Class Members, so the average net recovery for each class member would be \$2,656.

The motion makes an adequate analysis as required by Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116.

The proposed class notice form and procedure are adequate. [TO BE AMENDED]

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CONSISTENT WITH PARA 4.4.3.]

The proposed class is appropriate for class certification.

The scope of the named plaintiff release is appropriate. The agreement for the named plaintiff may include a Civil Code 1542 waiver.

The scope of the LWDA's release for claims asserted under the PAGA is appropriate. The PAGA release does not release claims by the aggrieved employees. The scope of the LWDA's release is limited to the scope of the PAGA notice letter. (*LaCour v. Marshalls of California, LLC* (2023) 94 Cal.App.5th 1172, 1192-1196.)

The scope of the class release is appropriate. The scope of the class release is limited to the claims arising out of the claims in the complaint where the named plaintiffs are typical and can adequately represent the class. (*Amaro v. Anaheim Arena Management, LLC* (2021) 69 Cal.App.5th 521, 537-538.) The release of claims by the class is limited by the "factual predicate rule." (*Hesse v. Sprint Corp.* (9th Cir. 2010) 598 F.3d 581, 590.) (See also *Hendricks v. Starkist Co* (N.D. Cal. 2016) 2016 WL 692739 at * 2-4 [Denying motion for final approval of class settlement because scope of release overbroad].) The scope of the class release does not include a release of the LWDA's claims.

The Court notes and approves of the plan to distribute the settlement funds with no claims process.

The unclaimed funds will be distributed to the State Bar's Greg E. Knoll Justice Gap Fund. This is consistent with CCP 384. Counsel has provided a declaration in support of the motion that provides the information required by CCP 382.4.

The Court will not approve the amount of attorneys' fees and costs until the final approval hearing. The Court cannot award attorneys' fees without reviewing information about counsel's hourly rate and the time spent on the case. This is the law even if the parties have agreed that Defendants will not oppose the motion for fees. (*Robbins v. Alibrandi* (2005) 127 Cal. App. 4th 438, 450-451.)

"Because absent class members are not directly involved in the proceedings, oversight to ensure settlements are fair and untainted by conflict is the responsibility of both the class representative and the court." (*Mark v. Spencer* (2008) 166 Cal.App.4th 219, 227.)

"[T]horough judicial review of fee applications is required in all class action settlements and the fairness of the fees must be assessed independently of determining the fairness of the substantive settlement terms." (*Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 555-556.)

The court sets out its standard analysis below. Counsel may address that analysis in the fee application.

The Ninth Circuit's benchmark is 25%. (*Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495.)

This court's benchmark for fees is 30% of the total fund. (*Laffitte v. Robert Half Internat. Inc.*

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(2016) 1 Cal.5th 480, 495; Schulz v. Jeppesen Sanderson, Inc. (2018) 27 Cal.App.5th 1167, 1175; Consumer Privacy Cases (2009) 175 Cal.App.4th 545, 557 fn 13; Chavez v. Netflix, Inc. (2008) 162 Cal.App.4th 43, 66 fn 11.) The court recently reviewed and reaffirmed its use of a benchmark of 30%. (Hurtubise v. Sutter East Bay Hosp. (2021) 2021 WL 11134912.)

When cross-checking with the lodestar/multiplier, the court will evaluate the lodestar based on reasonable fees that would have been charged at hourly rates and then apply a multiplier. The multiplier includes contingent fee risk and other factors.

When considering risk, the court considers there is less risk in a case with fee shifting statutes because counsel's potential fees are not limited by and coupled to the monetary recovery. "The law does not mandate ... that attorney fees bear a percentage relationship to the ultimate recovery of damages in a civil rights case." (Harman v. City and County of San Francisco (2007) 158 Cal.App.4th 407, 419.) (See also Heritage Pacific Financial, LLC v. Monroy (2013) 215 Cal.App.4th 972, 1006-1007.)

The Court will not decide the amount of any service award until the final approval hearing. Plaintiff must provide evidence regarding the nature of his participation in the action, including a description of his specific actions and the amount of time he committed to the prosecution of the case. (Clark v. American Residential Services LLC (2009) 175 Cal.App.4th 785, 804-807.) The court's standard service award is \$7,500.

The Court ORDERS that the final approval hearing is set for 7/14/26.

The Court ORDERS that funds not be distributed to the cy pres beneficiary until after Court approval of a final accounting.

The Court ORDERS that 10% of any fee award to be kept in the administrator's trust fund until the completion of the distribution process and Court approval of a final accounting.

The Court will set a compliance hearing after the completion of the distribution process and the expiration of the time to cash checks for counsel for plaintiff and the Administrator to comply with CCP 384(b) and to submit a summary accounting how the funds have been distributed to the class members and the status of any unresolved issues. If the distribution is completed, the Court will at that time order distribution of the cy pres funds and release any hold-back of attorney fees.

The court ORDERS that at the time of the final accounting that counsel for plaintiff transmit a copy of this order and the final judgment and the final accounting to the Judicial Council. (CCP 384.5; Govt Code 68520.)

The court will sign the proposed order, which is modified by this order. Plaintiff must reserve a hearing for the motion for final approval.

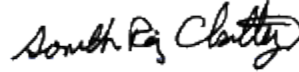
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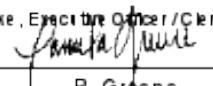
Hearing on Motion for Final Approval of Settlement is scheduled for 07/14/2026 at 02:30 PM in Department 21 at Rene C. Davidson Courthouse.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

Dated : 01/13/2026

A handwritten signature in black ink, appearing to read "S. Raj Chatterjee".

S. Raj Chatterjee / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 01/13/2026
PLAINTIFF/PETITIONER: Ali Abid-Castelo	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy P. Greene
DEFENDANT/RESPONDENT: ITW Food Equipment Group LLC, a corporation	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 24CV065981

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order re: Hearing on Motion - Other Motion for Preliminary Approval of Settlement; filed by Ali Abid-Castelo (Plaintiff) CRS# 924764984611 filed by ITW Food Equipment Group LLC, a corporation (Defendant) on 11/19/2025 entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Amanda Sommerfeld
asommerfeld@jonesday.com

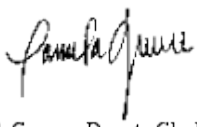
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Dated: 01/13/2026

Chad Finke, Executive Officer / Clerk of the Court

By:


P. Greene, Deputy Clerk