SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Cornelio Calderon Plaintiff/Petitioner(s) vs. Pentagon Technologies Group, Inc. Defendant/Respondent(s)	No. 24CV075940 Date: 10/28/2026 Time: 1:30 PM Dept: 18 Judge: Patrick McKinney ORDER Hearing on Motion for Final Approval of Settlement filed by Cornelio Calderon (Plaintiff) CRS# A-75940-001 filed by Cornelio Calderon (Plaintiff) on 10/02/2026

The Motion re: NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT; MEMORANDUM OF POINTS AND AUTHORITIES filed by Cornelio Calderon on 10/02/2026 is Granted in Part.

With no objectors being present, the matter was not called and the tentative affirmed.

BACKGROUND

This is a wage-and-hour class action and PAGA representative action. Plaintiff Cornelio Calderon agreed to settle the claims against Defendant Pentagon Technologies Group, Inc. for $1,100,000.00, and the court granted preliminary approval of the settlement. Plaintiff seeks final approval of the settlement, which includes a $366,667.00 attorney's fees award; $17,842.74 in litigation costs; $11,000.00 in settlement administration costs; a $10,000.00 service award for the named plaintiff; and $50,000.00 in PAGA penalties, 75% of which will be paid to the LWDA and 25% distributed to aggrieved employees. The remaining funds are to be distributed to class members on a pro rata basis. Plaintiff's counsel estimates an average individual class member payment of $839.70. The motion is unopposed.

LEGAL STANDARD

To prevent "fraud, collusion or unfairness to the class, the settlement or dismissal of a class action requires court approval." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1800.) A court "must determine the settlement is fair, adequate, and reasonable." (*Id.* at p. 1801.) A

"'presumption of fairness exists where: (1) the settlement is reached through arm's-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small.'" (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 128 [quoting *Dunk*, *supra*, at p. 1801].)

Similarly, a "trial court should evaluate a PAGA settlement to determine whether it is fair, reasonable, and adequate in view of PAGA's purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws." (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77 [noting overlap of factors in class action analysis, "including the strength of the plaintiff's case, the risk, the stage of the proceeding, the complexity and likely duration of further litigation, and the settlement amount"].)

DISCUSSION

As discussed in the preliminary approval order, the parties mediated and reached settlement after arm's length negotiations, and counsel conducted sufficient investigation and discovery to allow counsel and the court to act intelligently. (Perez Decl., ¶¶ 3–9.) Counsel cites significant team member experience in litigating class actions. (*Id.*, ¶¶ 10–17.) The settlement administrator received no written objections in response to the class notice. (O'Connor Decl., ¶ 7.) The court finds the terms of the settlement and notice procedures fair, reasonable, and adequate.

The court, however, exercises its discretion to approve a $7,500.00 service award. Plaintiff undoubtedly provided a service to class members and to the state, but Plaintiff did not show that his service involved an unusual number of hours of work, a deposition, or other extraordinary effort or risk. The court applies its benchmark.

The court also exercises its discretion to approve an attorney's fees award of 30%, rather than one-third, of the gross settlement amount. (See *Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495 [citing Ninth Circuit approval of 25% and Eleventh Circuit approval of 20–30% range]; see also *Schulz v. Jeppesen Sanderson, Inc.* (2018) 27 Cal.App.5th 1167, 1175 ["Although the trial court would be acting within its discretion to award less than 31 percent, we note that 31 percent is not out of line with awards in class actions, which, like this case, involve attorney fees to be paid by a protected class and that require court approval."].) A "court approving a settlement that includes a negotiated fee [] is required to decide if the fee negotiated by the parties closely approximates the value of the attorneys' work." (*Robbins v. Alibrandi*, 127 Cal.App.4th 438, 452.) For purposes of cross-checking using a lodestar/multiplier approach, Plaintiff's counsel attests to approximately 220 hours spent on the matter. (Bibyan Decl., ¶ 16.) Applying a reasonable blended billing rate of $600 per hour, the court calculates a $132,000.00 lodestar. A 30% award is more than the double the lodestar, and the parties settled before filing dispositive motions or trial. The court applies its benchmark.

ORDER

Plaintiff's motion is GRANTED IN PART. Plaintiff must submit a revised proposed order and

judgment within 3 days of notice of entry of this order.

A final compliance hearing regarding distribution and accounting is set for August 4, 2027 at 1:30 p.m. in Department 18.

Ten percent of the attorney's fee award must be kept in the administrator's trust fund until the completion of the distribution process and court approval of a final accounting. Unclaimed funds should not be distributed to the designated recipient until the court approves the accounting. Plaintiff must file a final report and declaration regarding distribution at least 5 court days before the compliance hearing. Appearances may not be required if the report and declaration establish that the distributions are complete.

Compliance Hearing re distribution and accounting is scheduled for 08/04/2027 at 01:30 PM in Department 18 at Rene C. Davidson Courthouse.

The Court orders counsel to obtain a copy of this order from the eCourt portal.

Dated : 10/28/2026

Patrick McKinney / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp **FILED** Superior Court of California County of Alameda 10/30/2026 Chad Finke, Executive Officer / Clerk of the Court By: _____ Deputy P. Drummer-Williams
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	
PLAINTIFF/PETITIONER: Cornelio Calderon	
DEFENDANT/RESPONDENT: Pentagon Technologies Group, Inc.	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 24CV075940

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 Hearing on Motion for Final Approval of Settlement filed by Cornelio Calderon (Plaintiff) CRS# A-75940-001 filed by Cornelio Calderon (Plaintiff) on 10/02/2026 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.

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Chad Finke, Executive Officer / Clerk of the Court

Dated: 10/30/2026

By:

P. Drummer-Williams, Deputy Clerk

CERTIFICATE OF ELECTRONIC SERVICE
CODE OF CIVIL PROCEDURE 1010.6