

SUPERIOR COURT OF CALIFORNIA - COUNTY OF FRESNO Civil Department - Non-Limited	Entered by:
TITLE OF CASE: Amanda Vasquez vs. Micare California, P.C. / COMPLEX / CLASS ACTION	
LAW AND MOTION MINUTE ORDER	Case Number: 23CECG01242

Hearing Date: January 16, 2025	Hearing Type: Motion - Attorney Fees
	Motion – Final Approval Class Settlement
Department: 503	Judge/Temp. Judge: Hamilton, Jr., Jeffrey Y.
Court Clerk: Lopez, Maria	Reporter/Tape: Not Reported

Appearing Parties:	
Plaintiff: No Appearances	Defendant: No Appearances
Counsel:	Counsel:

☐ Off Calendar

☐ Continued to ☐ Set for ___ at ___ Dept. ___ for ___

☐ Submitted on points and authorities with/without argument. ☐ Matter is argued and submitted.

☐ Upon filing of points and authorities.

☐ Motion is granted ☐ in part and denied in part. ☐ Motion is denied ☐ with/without prejudice.

☐ Taken under advisement

☐ Demurrer ☐ overruled ☐ sustained with ___ days to ☐ answer ☐ amend

☒ **No requests for Oral Argument. Tentative ruling becomes the order of the court. No further order is necessary.**

☒ **Pursuant to CRC 3.1312(a) and CCP section 1019.5(a), no further order is necessary. The minute order adopting the tentative ruling serves as the order of the court.**

☒ **Service by the clerk will constitute notice of the order.**

☒ **See attached copy of the Tentative Ruling.**

☐ Judgment debtor ___ sworn and examined.

☐ Judgment debtor ___ failed to appear.
 Bench warrant issued in the amount of \$ ___

JUDGMENT:

☐ Money damages ☐ Default ☐ Other ___ entered in the amount of:
 Principal \$___ Interest \$___ Costs \$___ Attorney fees \$___ Total \$___
☐ Claim of exemption ☐ granted ☐ denied. Court orders withholdings modified to \$___ per ___

FURTHER, COURT ORDERS:

☐ Monies held by levying officer to be ☐ released to judgment creditor. ☐ returned to judgment debtor.
☐ \$___ to be released to judgment creditor and balance returned to judgment debtor.
☐ Levying Officer, County of ___, notified. ☐ Writ to issue
☐ Notice to be filed within 15 days. ☐ Restitution of Premises
☐ Other: ___

(03)

Tentative Ruling

Re: ***Vasquez v. Micare California, P.C.***
Case No. 23CECG01242

Hearing Date: January 16, 2025 (Dept. 503)

Motion: Plaintiff's Motions for Final Approval of Class and PAGA Settlement, and for Class Counsel Award and Class Representative Service Award

Tentative Ruling:

To grant plaintiff's motion for final approval of the class and PAGA settlement. To grant plaintiff's motion for an award of attorney's fees, costs, and a service award to the class representative.

Explanation:

1. Class Certification

The court has already determined that the class should be certified for the purpose of settlement in its order granting preliminary approval of the class settlement. Nothing has happened since the court granted its last order that would tend to cast doubt on its previous decision. Therefore, the court finds that the class should be certified for the purpose of settlement.

2. Fairness and Reasonableness of the Settlement

The court has already granted preliminary approval of the class settlement. As the court previously found, plaintiff's counsel has presented a sufficient discussion of the strength of the case if it went to trial, the risks, complexity, and duration of further litigation, and an explanation of why the settlement is fair and reasonable in light of the risks of taking the case to trial. Plaintiff's counsel has provided a detailed explanation of the claims and defenses raised by the parties, and the problems and risks inherent in plaintiff's case. Counsel's analysis supports a finding that the risks, costs and uncertainties of taking the case to trial weigh in favor of settling the action for \$150,000 as opposed to the potential maximum recovery of \$937,560.05. The proposed settlement amount of \$150,000 is 16% of the maximum liability, or 32.58% of the defendants' realistic exposure, which appears to be well within the ballpark of reasonableness.

Plaintiff's counsel also offers evidence regarding the views and experience of counsel. He states that he believes that the settlement is fair and reasonable based on his experience with class litigation. Plaintiff's counsel also points out that the settlement was reached after arm's length mediation, and that he conducted extensive discovery to investigate the claims and learn the strengths and weaknesses of the case. The court has found that these factors also weigh in favor of finding that the settlement is fair, adequate, and reasonable.

Nothing has changed since the last hearing that would cause the court to change its decision. Indeed, the fact that no objections or opt-out requests have been received

after notice was given to the class only tends to reinforce the conclusion that the settlement is fair, adequate, and reasonable. Therefore, the court intends to grant final approval of the class settlement.

3. Attorney's Fees and Costs

The court has already granted preliminary approval of the requested attorney's fees of \$50,000, finding that the fees are fair and reasonable in light of the work done on the case, counsel's education, skill and experience, and the excellent results obtained in the case. There have been no objections to the fee award since the court granted the preliminary approval order, which supports the conclusion that the requested fees are reasonable. As a result, the court intends to grant final approval of the requested fees.

Counsel also seeks an award of 17,505.63 in costs. The court has already found that the requested amount of costs is reasonable and necessary when it granted preliminary approval. The lack of any objections from the class only tends to support the conclusion that the requested costs are reasonable. Therefore, the court intends to approve the requested amount of costs.

4. Payment to Class Representative

Plaintiff seeks final approval of a \$5,000 service award to the named plaintiff/class representative, Ms. Vasquez. Again, the court has already found that the incentive award to Ms. Vasquez is fair and reasonable. No class members have objected to the fee award. Also, counsel has now provided further evidence in support of the requested award including the declaration of Ms. Vasquez, who describes the work she did on the case. Therefore, the court intends to grant final approval of the incentive award to the named plaintiff.

5. Payment to Class Administrator

The court has previously determined that the settlement administrator's fees are fair and reasonable, and it has granted preliminary approval of the fees. No objections to the fees have been received from the class members since they received notice of the settlement, which supports the court's finding that the fees are fair and reasonable. Therefore, the court grants final approval of the payment of \$3,990 for settlement administration fees.

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6. PAGA Settlement

Plaintiff proposes to allocate \$10,000 of the settlement to the PAGA claims, with 75% of that amount being paid to the LWDA as required by law and the other 25% being paid out to the aggrieved employees. Plaintiff's counsel has also sent notice of the settlement to the LWDA, and they have not objected to the settlement. Plaintiff's counsel has given an adequate explanation of the reasons why they accepted \$10,000 to settle the PAGA claim, namely the risks and expense of continuing the litigation and the danger that the court would reduce the PAGA award even if plaintiff prevails at trial. Therefore, the court intends to grant final approval of the PAGA settlement.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: iyh on 1/9/25
(Judge's initials) (Date)

SUPERIOR COURT OF CALIFORNIA - COUNTY OF FRESNO Civil Department, Central Division 1130 "O" Street Fresno, California 93724-0002 (559) 457-2000	<i>FOR COURT USE ONLY</i>
TITLE OF CASE: Amanda Vasquez vs. Micare California, P.C. / COMPLEX / CLASS ACTION	
CLERK'S CERTIFICATE OF MAILING	CASE NUMBER: 23CECG01242

I certify that I am not a party to this cause and that a true copy of the:

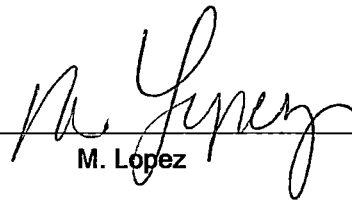
01/16/2025 Minute Order and copy of Tentative Ruling

was placed in a sealed envelope and placed for collection and mailing on the date and at the place shown below following our ordinary business practice. I am readily familiar with this court's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Place of mailing: **Fresno, California 93724-0002**

On Date: **01/16/2025**

Clerk, by _____, Deputy


M. Lopez

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☐ Clerk's Certificate of Mailing Additional Address Page Attached