

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Wilson, Tatyana et al
Plaintiff/Petitioner,

vs.

Sierra Minit Marts, Inc.
Defendant/Respondent.

Jud. Officer: **Nathan Ide**
Clerk: **Skye Woods**
Bailiff: **Y Robles**
CSR: **Monica Jacobo**
Interpreter:
Language:

Minutes: **1) Motion Hearing Preliminary Approval
2) Case Management Conference**
Date: **March 2, 2026**

Case No. **VCU308861**
Department 07
Related Cases:

Appearances: ☐ No Appearances

☐ Party: _____

☐ Remote Appearance

☐ Party: _____

☐ Remote Appearance

☐ Party: _____

☐ Remote Appearance

☐ Other: _____

☐ Remote Appearance

☐ Court makes interpreter findings on the record pursuant to GC 68561(g)/GC 68561(f)

☐ No court reporter was available for today's proceedings. ☐ Not Reported ☐ ER Number

☒ Attorney: Jennifer Gerstenzang obo Plaintiff, via Zoom

☒ Remote Appearance

☒ Attorney: Ryan Ely obo Defendant, via Zoom

☒ Remote Appearance

☐ Attorney: _____

☐ Remote Appearance

Motion: Motion for Preliminary Approval of Class Action and PAGA Settlement

☒ Case called at 8:41 a.m.

☒ Oral argument requested by Plaintiffs' Counsel for Clarification.

☒ Comments heard from all Counsel and the Court.

ORDER: The Court adopts the Tentative Ruling as the Order of the Court as follows:

TENTATIVE RULING:

Grant motion for preliminary approval as modified herein.

1. Sufficiency of Amount of Settlement (Net Estimated: \$427,250.00)

The gross settlement amount is \$750,000. Plaintiff estimates approximately 339 proposed Class Members, providing an estimated average payout of \$1,289.82 per member.

The Class Members consist of:

“all current and former non-exempt employees who worked for Defendants Sierra Minit Marts, Inc. and Defendant Don Forrester and Defendant Forrest in California at any time between May 10, 2020, and September 7, 2025.

Plaintiff primarily alleged the following violations: : (1) Unfair Competition in Violation of Cal. Bus. & Prof. Code §§ 17200, et seq.; (2) Failure to Pay Minimum Wages in Violation Of Cal. Lab. Code §§ 1194, 1197 & 1197.1; (3) Failure to Pay Overtime Wages in Violation Of Cal. Lab. Code §§ 510, et seq.; (4) Failure to Provide Required Meal Periods in Violation Of Cal. Lab. Code §§ 226.7 & 512 and the Applicable IWC Wage Order; (5) Failure to Provide Required Rest Periods in Violation Of Cal. Lab Code §§ 226.7 & 512 and the Applicable IWC Wage Order; (6) Failure to Reimburse Employees for Required Expenses in Violation of Cal. Lab. Code § 2802; (7) Failure to Provide Accurate Itemized Statements in Violation Of Cal. Lab. Code § 226; (8) Failure to Pay Wages When Due in Violation Of Cal. Labor Code §§ 201, 202 and 203; and (9) PAGA.

Plaintiff provides estimates of the maximum recovery for each of the asserted wage and hour claims and penalties with information showing how the estimates were calculated including the damages models utilized. (Declaration of Zackay ¶¶ 32 – 46.) The total, reasonable projected liability as to the class claims is \$1,971,425 and as to the PAGA claims is \$884,250.00 if successful at trial.

After agreeing to participate in early mediation, Defendants informally produced time and pay records for Settlement Class members, key class data points, and other documents and information relevant to the claims alleged in advance of mediation. The parties reached the settlement after a full day mediation.

The Court finds the information provided in support of the gross settlement amount sufficient for the Court to preliminarily approve the gross settlement amount, as the settlement amount appears to be within the recognized range of reasonableness given the claims and defenses asserted in this case.

Plaintiff's deductions from the gross settlement of \$750,000 are proposed as follows:

Proposed Court Approved Attorney Fees (33.3%):	\$250,000
Proposed Attorney Costs (up to):	\$25,000
Proposed Enhancement Payment to Plaintiff :	\$10,000
Proposed Settlement Administrator Costs	\$7,750
Proposed PAGA Payment	\$20,000
Proposed Net Settlement Amount	\$427,250.00

2. Class Notice

The settlement agreement provides no claim form will be required of class members to participate in distributions. Only those wishing to object or opt out must file notice with the settlement administrator.

Objections or opt out notices are to be made within 45 days. The Court regularly approves notice periods of 60 days or longer.

The class notice period is therefore modified to Sixty (60) days.

With respect to the content of the Notice, the Court finds the Class Notice to be reasonable. It clearly provides to the class member an estimate of the settlement share the employee is to receive and provides adequate instructions for any class member to opt out of the settlement or to submit an objection.

3. Enhancement Award to Class Representative

The court preliminarily approves Plaintiff Tatyana Wilson as Class Representative for settlement purposes. The proposed enhancement award to Plaintiff is \$10,000.

The Court has, in past cases, approved enhancement awards of \$5,000.00 routinely.

Enhancement payments “are fairly typical in class action cases.” (*Cellphone Termination Fee Cases* (2010) 180 Cal.App.4th 1110, 1393.) Enhancement payments “are intended to compensate class representatives for work done on behalf of the class, to make up for financial or reputational risk undertaken in bringing the action, and, sometimes, to recognize their willingness to act as a private attorney general.” (*Rodriguez v. West Publishing Corp.* (9th Cir. 2009) 563 F.3d 948, 958-959.) “[T]he rationale for making enhancement or incentive awards to named plaintiffs is that he or she should be compensated for the expense or risk he has incurred in conferring a benefit on other members of the class.” (*Clark v. American Residential Services LLC* (2009) 175 Cal.App.4th 785, 806.)

Therefore, the Court will approve a \$5,000 enhancement.

4. Attorneys’ Fees and Costs

Attorneys’ fees of 33.3% of the gross settlement fund of \$750,000 or \$250,000 and costs not to exceed \$25,000 are sought by Plaintiff’s counsel.

Counsel has utilized the percentage of common fund methodology as well as provided adequate lodestar information to evaluate the reasonableness of the fee request.

Here, Zakay Law Group, APLC indicates 104.8 hours on this case, at rates of \$800 to \$475 per hour, creating a base lodestar of \$66,857.50 (Declaration of Zakay ¶8 – Ex. 5.) Additionally, JCL Law Firm, APC has incurred 103.4 hours at rates ranging from \$850 to \$250 per hour, creating a base lodestar of \$86,800. (Declaration of Lapuyade ¶¶6, 9.)

Therefore, the combined lodestar is \$153,657.50. This would require a multiplier of 1.63.

The Court permits a maximum lodestar multiple of 1.5 in these cases. The Court has reviewed the declarations of counsel in support of what is now an additional .13 multiplier, but, in its discretion, rules that the additional .5 awarded adequately takes into account the quality of the representation, the novelty and complexity of the issues, the results obtained, and the contingent risk presented. (See *In re Vitamin Cases* (2003) 110 Cal.App.4th 1041, 1052 quoting *Thayer v. Wells Fargo Bank* (2001) 92 Cal.App.4th 819, 833) Despite any agreement by the parties to the contrary, the Court has an independent responsibility to review the attorney fee provision of the settlement agreement and award an amount that it determines to be reasonable. (*Garabedian v. Los Angeles Cellular Telephone Co.* (2004) 118 Cal.App.4th 123, 128.)

Therefore, the Court will preliminarily approve \$230,486.20 in fees.

Counsel have also provided the current costs expended in amounts of \$20,424.63 (Declaration of Zakay ¶8; Declaration of Lapuyade ¶4.) The Court preliminarily approves costs not to exceed \$25,000.

The Court further finds that Plaintiff’s counsel are experienced class action attorneys through the declarations of counsel.

5. Claims Administrator

The Court preliminarily approves Apex Class Action LLC as the claims administrator for this class action based on prior experience with this settlement administrator in other class actions litigated in this Court and declaration of Hartranft. The Court preliminarily approves administration costs not to exceed \$7,750.

6. Unclaimed Settlement Proceeds

The Court preliminarily approves the distribution of unclaimed settlement proceeds to California Controller's Office Unclaimed Property Division, with an identification of the Participating Class Member to whom the funds belong, in accordance with Code of Civil Procedure section 384.

7. Release

The Court finds the proposed release of claims reasonable under the circumstances.

8. LWDA Notice

The Court does find confirmation from the LWDA of receipt of proof of submission of the proposed settlement agreement under exhibit 2 of declaration of counsel, Shani O Zakay. (Lab. Code, § 2699, subd. (l)(2).)

Therefore, the Court finds notice was properly given.

9. Class Certification

Code of Civil Procedure section 382 permits certification "when the question is of a common or general interest, of many persons, or when the parties are numerous, and it is impracticable to bring them all before the court." (Code Civ. Proc. § 382.) The plaintiff bears the burden of demonstrating that class certification under section 382 is proper. (See *City of San Jose v. Superior Court* (1974) 12 Cal.3d 447, 460.) To do so, "[t]he party advocating class treatment must demonstrate the existence of an ascertainable and sufficiently numerous class, a well-defined community of interest, and substantial benefits from certification that render proceeding as a class superior to the alternatives." (*Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th 1004, 1021.)

Here, the Motion and accompanying declarations of counsel sufficiently set forth the basis for finding the class is numerous and ascertainable as 339 employees have been identified through Defendant's employment records. Additionally, common questions of law and fact predominate within the individual causes of action based on class wide policies and procedures of Defendant. Further, that the class representative will adequately and fairly represent the Class Members and will not place their interests above any Class Member. The Class Representative was employed by Defendant during the relevant time period and thus worked under the same policies and procedures as the Class Members.

Therefore, the Court approves the following deductions from the gross settlement fund:

Plaintiff's deductions from the gross settlement of \$750,000 are preliminarily approved as follows:

Preliminarily Approved Attorney Fees (1.5 multiplier):	\$230,486.20
Preliminarily Approved Attorney Costs (up to):	\$25,000.00
Preliminarily Approved Enhancement Payment to Plaintiff :	\$5,000.00
Preliminarily Approved Settlement Administrator Costs	\$7,750.00
Preliminarily Approved PAGA Payment	\$20,000.00
Preliminarily Approved Net Settlement Amount	\$461,763.80

Therefore, the Court grants the motion, as modified herein, and orders Counsel to set a motion for final approval.

If no one requests oral argument, under Code of Civil Procedure section 1019.5(a) and California Rules of Court, rule 3.1312(a), no further written order is necessary. The minute order adopting this tentative ruling will become the order of the court and service by the clerk will constitute notice of the order.

Case Management Conference is off calendar.