

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Hernandez, Eddie
Plaintiff/Petitioner,

vs.

New Image Pool Interiors, Inc.
Defendant/Respondent.

Jud. Officer: **Bret Hillman**
Clerk: **Nicole Renteria**
Bailiff: **R Nash**
CSR: **Tamara Sumpter**
Interpreter:
Language:

Minutes: **Motion: Continued Motion for Preliminary
Approval of PAGA and Class Action Settlement**

Case No. **VCU293400**

Date: **December 12, 2023**

Department **07**
Related Cases:

Appearances: ☐ No Appearances

☐ Party: _____

☐ Remote Appearance

☐ Party: _____

☐ Remote Appearance

☒ Attorney: S Emi Minne for Plaintiff present via
Zoom

☒ Remote Appearance

☒ Attorney: David Litman for Defendant present
via Court Call

☒ Remote Appearance

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

☐ The Court noted that no court reporter was available for today's proceedings.

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

☒ Plaintiff request to set the Final Approval Hearing for another date for reasons stated on the record.

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

To grant the motion. Motion for final approval is set for **April 23, 2024, 8:30 am, Department 7.**

Facts

The Court previously continued this matter and permitted the filing of supplemental declarations as to the lodestar information to calculate attorneys' fees and information as to the presently incurred costs. On December 1, 2023, Plaintiff's counsel filed additional declarations as to these issues.

Attorneys' Fees and Costs

Attorneys' fees of 35% of the gross settlement fund of \$585,000 or \$204,750 and costs not to exceed \$20,000 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, Counsel Minne indicates that Parker & Minne, LLP has spent 212.3 hours at a rate from \$725 per hour, providing a lodestar for the firm of \$153,917.50. (Declaration of Minne ¶¶11-13.) The Court will not include the forty (40) anticipated hours in its calculation of the lodestar, but notes that counsel may submit, with the motion for final approval, a declaration updating the hours incurred in this matter.

Additionally, counsel Smith indicates that Smith Law has spent 27.1 hours at a rate of \$750 per hour, resulting in a lodestar of \$20,325. (Declaration of Smith ¶4.)

Therefore, the total lodestar in this matter is presently at \$174,242.50. This would require the Court to utilize a multiplier of 1.18, within the range of multipliers the Court typically approves.

Counsel Minne indicates presently incurred costs of \$11.57. (Declaration of Minne ¶24) Counsel Smith indicates presently incurred costs of \$8,495.70. (Declaration of Smith ¶5.) The Court preliminarily approves costs not to exceed \$20,000.00.

Therefore, Plaintiff's deductions from the gross settlement of \$585,000 are preliminarily approved as follows:

Preliminarily Approved Attorney Fees (35%):	\$204,750
Preliminarily Approved Attorney Costs (up to):	\$20,000
Preliminarily Approved Enhancement Payment to Plaintiff:	\$7,500
Preliminarily Approved Settlement Administrator Costs	\$12,500
Preliminarily Approved PAGA Penalties	\$35,000

Preliminarily Approved Net Settlement Amount	\$312,750
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The Court, therefore, grants the motion for preliminary approval. Motion for final approval is set for **April 23, 2024**, 8:30 am, Department 7.

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.

☒ Clerk to provide notice to parties by mail

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Visalia Division
221 S Mooney Blvd, Room 201
Visalia, CA 93291
559.730.5000

Hernandez, Eddie
Plaintiff/Petitioner,

vs.

New Image Pool Interiors, Inc.
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CLERK'S CERTIFICATE OF SERVICE

I certify that I am not a party to this cause.

I certify that I caused the Minute Order dated December 12, 2023 to be served on the persons listed below in the following manner:

☒ BY MAIL: I placed the documents for collection and mailing on the date shown, so as to cause it to be mailed in a sealed envelope with postage fully prepaid on that date following standard court practices to the persons and addresses shown. The mailing and this certification occurred at Visalia, California on December 12, 2023.

STEPHANIE CAMERON,
CLERK OF THE SUPERIOR COURT
COUNTY OF TULARE

By 
Nicole Renteria, Deputy Clerk

Names and Mailing/E-Mail Address of Person(s) Served:

PAUL BAUER
SAGASER, WATKINS & WIELAND, PC
5260 N PALM AVE STE 400
FRESNO, CA 93704

S. MINNE
PARKER & MINNE, LLP
700 S FLOWER ST STE 1000
LOS ANGELES, CA 90017