

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER**

Date: January 2, 2024  
Judge: Trisha Hirashima  
Reporter:

Time: 8:25 AM  
Dept.: Department 42  
Clerk:

Kern, Todd vs. Vexillum, Inc. et al

☐ Present

☐ Present

☐ And related Cross Action(s)

Case # S-CV-0049365

**Law and Motion Minutes**

**Proceedings RE:** Motion Hearing - \_\_\_\_\_

☐ Dropped.      ☐ Continued to \_\_\_\_\_ ☐ by Plaintiff ☐ by Defendant  
☐ by Stipulation ☐ by Court

☐ Matter argued and submitted.

☐ Submitted on points and authorities without ☐ argument ☐ appearance.

☐ Motion/Petition granted. ☐ Motion/Petition denied.

☐ Demurrer ☐ sustained ☐ overruled ☐ without ☐ with leave to ☐ amend ☐ answer.

☐ Counsel appointed for:

☐ Taken under submission.

☐ Debtor is sworn and retired with counsel for examination.

☐ Stipulation to ☐ Judge Pro Tem ☐ Commissioner executed in open court.

☐ Counsel for \_\_\_\_\_ to prepare the written order and submit it to opposing counsel for approval as to content and form.

☐ Other \_\_\_\_\_.

☒ The tentative ruling is adopted as the ruling of the court, to wit:

Motion for Preliminary Approval

The court has broad discretion in determining whether a class action settlement is (1) fair and reasonable, (2) the class notice is adequate, and (3) certification of the class is proper. (*In re Cellphone Fee Termination Cases* (2010) 186 Cal.App.4th 1380, 1389.)



Further, the court reviews the moving papers along with the entirety of the court file to determine that the settlement is genuine, meaningful, and consistent with the underlying purposes of the PAGA-related statute. (Lab. Code, § 2699(1); *O'Connor v. Uber Technologies, Inc.* (N.D. Cal. 2016) 201 F.Supp.3d 1110.) The court must also determine whether the PAGA settlement appears fundamentally fair, reasonable, and adequate. (*Ibid.*)

The court has carefully considered the class and PAGA action settlement agreement and plaintiff's moving papers filed in connection with the motion. The court determines a sufficient showing has been made that the settlement is fair, reasonable, genuine, meaningful, and consistent with the purpose of PAGA.

For the purposes of the settlement, the court hereby certifies the class as all current and former hourly-paid, non-exempt employees who were employed by defendant in California during the class period from October 26, 2018 to January 2, 2024, the date of preliminary approval.

The court preliminarily approves the class and PAGA action settlement agreement attached as Exhibit A to the declaration of counsel Drew Lewis. The court also approves the proposed form of the notice.

The court appoints and designates Todd Kern as the class representative. The court appoints and designates Drew Lewis PC as class counsel. The court appoints and designates ILYM Group, Inc. as the settlement administrator.

The court also incorporates by references all findings and orders set forth in the Proposed Order submitted in connection with the instant motion.

The final approval hearing remains as previously reserved on **April 9, 2024 at 8:30 a.m. in Department 42**. The court vacates the case management conference scheduled January 11, 2024.