

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Stevens, Jerrod Lamont
Plaintiff/Petitioner,

vs.

BBQ Holdings, Inc.
Defendant/Respondent.

Judicial Officer: **David Mathias**
Clerk: **Holly Bilbrey**
Bailliff: **J Devora**
CSR:
Interpreter:
Language:

Minutes: **Motion Hearing**
Other
Date: **February 19, 2026**

Case No. **VCU300433**
Department 01
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: Alan Wilcox, Counsel for Plaintiff
appearing by Zoom

Remote Appearance

Attorney: Helen Braginsky, Counsel for
Defendant appearing by Zoom

Remote Appearance

Attorney: _____

Remote Appearance

Case is called at 10:48 AM:

Plaintiff's Counsel's request for oral argument was not timely.

Defendant's Counsel has no objection to oral argument being heard today.

Oral argument from Plaintiff's Counsel heard by Court.

The Court adopts the Tentative Ruling as follows with the modification that Plaintiff's Counsel may file an additional declaration as to any additional attorney fees or costs to be addressed at the Final Approval Hearing:

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

Ruling: To grant the motion as modified herein; to set the motion for final approval for October 1, 2026; 8:30 am; D1. CMC is taken off calendar.

Facts

The Court ordered a supplemental declaration as to the notice period, lodestar, and presently incurred costs at the prior hearing. On February 10, 2026, Plaintiff's counsel filed a supplemental declaration addressing these issues.

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 now to be made within 60 days.

The Court regularly approves notice periods of 60 days or longer. The class notice period is therefore approved.

Attorneys' Fees and Costs

Attorneys' fees of 33 1/3% of the gross settlement fund of \$650,000 or \$216,666.67 and costs not to exceed \$30,000 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 indicates that the firm has spent 187.7 hours on this case, at rates between \$1,200 and \$500 per hour, resulting in a proposed base lodestar of \$157,930 (Declaration of Wilcox ¶3.)

The first issue is that 120 of the 187.7 hours claim were incurred by attorneys Marquez and Grigoryan, both of which are no longer employed by Wilshire Law Firm, PLC and for which the firm lacks itemized billing records therefrom. Therefore, approximately 2/3rds of the hours claimed are estimated via review of "communications and WLF's records" and the experience of counsel.

Although detailed time records are not required, courts have expressed a preference for contemporaneous billing and an explanation of work. (Raining Data Corp. v. Barrenechea (2009) 175 Cal.App.4th 1363, 1375.) "Of course, the attorney's testimony must be based on the attorney's personal knowledge of the time spent and fees incurred. (Evid. Code, § 702, subd. (a) ['the testimony of a witness concerning a particular matter is inadmissible unless he has personal knowledge of the matter'].) Still, precise calculations are not required; fair approximations based on personal knowledge will suffice." (Mardirossian & Associates, Inc. v. Ersoff (2007) 153 Cal.App.4th 257, 269.) The Court may make a downward adjustment if the billing entries are vague, "blockbilled," or unnecessary. (569 East County Boulevard LLC v. Backcountry Against the Dump, Inc. (2016) 6 Cal.App.5th 426, 441.)

The Court will, as to the 120 hours estimated by Marquez and Grigoryan, reduce each by one third. The declaration of counsel in support of these hours lacks personal knowledge, is the definition of blockbilled and no explanation of the work is provided.

Additionally, the Court notes that these rates are already higher than what is typically "...prevailing in the community for similar work." (PLCM Group Inc. v. Drexler (2000) 22 Cal.4th 1084, 1095.) The Court, therefore, adjusts the hourly rates as follows:

Name	Stated Hourly Rate	Approved Hourly Rate	Adjusted Hours	Total
Tyler J. Woods	\$1,200	\$950	10	\$9,500
Alan Wilcox	\$900	\$600	32.7	\$19,620
Justin Marquez	\$1,000	\$700	26.7	\$18,690
Arsine Grigoryan	\$800	\$500	53.3	\$26,650
Lucy Nguyen	\$500	\$350	25	\$8,750
Total Adjusted Base Lodestar:				\$83,210

Therefore, the Court finds an adjusted base lodestar of \$83,210.

To award \$216,666.67 in attorneys' fees as requested, the Court would need to apply a multiplier of 2.6.

The Court generally 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 1.1 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 \$124,815 in fees.

Counsel has also provided the current costs expended in amounts of \$27,422.06, (Declaration of Wilcox ¶5.) Therefore, the Court preliminarily approves costs not to exceed \$30,000.00.

Plaintiff's deductions from the gross settlement of \$650,000 are therefore preliminarily approved as follows:

Preliminarily Approved Attorney Fees (1.5 multiplier):	\$124,815
Preliminarily Approved Attorney Costs (up to):	\$30,000
Preliminarily Approved Enhancement Payment to Plaintiff :	\$5,000
Preliminarily Approved Settlement Administrator Costs	\$9,950
Preliminarily Approved Total PAGA payment	\$32,500
Preliminarily Approved Net Settlement Amount	\$447,735

The Court grants the motion, as modified herein, and sets the motion for final approval for October 1, 2026; 8:30 am; D1.

