

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

**34-2022-00330471-CU-OE-GDS: Ricky Martorana vs. Blue Knight Security & Patrol INC.
03/21/2025 Hearing on Motion for Final Approval of Settlement in Department 23**

Tentative Ruling

APPEARANCE REQUIRED

Plaintiff Ricky Martorana's ("Plaintiff") motion for final approval of class action settlement is UNOPPOSED and TENTATIVELY GRANTED pending the final fairness hearing. (Code Civ. Proc., § 382, Cal. Rules of Court, Rule 3.769.)

Overview

On November 29, 2022, Plaintiff filed a wage and hour class action complaint against Defendant Blue Knight Security & Patrol, Inc. ("Defendant"). On April 7, 2023, Plaintiff filed the operative complaint to add a cause of action for civil penalties pursuant to the Private Attorneys General Act ("PAGA"). Plaintiff alleges the following causes of action: (1) failure to pay minimum wages; (2) failure to pay overtime wages; (3) failure to provide meal periods; (4) failure to permit rest breaks; (5) failure to reimburse business expenses or refrain from unlawful deductions; (6) failure to provide accurate itemized wage statements; (7) failure to pay wages timely during employment; (8) failure to pay all wages due upon separation of employment; (9) unfair business practices; and (10) enforcement of PAGA.

The Parties engaged in informal discovery. (Valle Decl. ¶ 6.) Defendant produced its employee handbooks, policies, and Class Members' time and pay records. (*Ibid.*) On January 22, 2024, the Parties attended a full day mediation with Jill Sperber. (*Id.* at ¶ 7.) After a full day of negotiating and continued discussions in the week that followed the mediation, the Parties reached a settlement. (*Ibid.*) The Parties thereafter entered into a written settlement agreement. (*Id.* at Exhibit 1.) On November 8, 2024, the Court granted preliminary settlement approval. Plaintiff now seeks final approval of this class and PAGA settlement. This ruling incorporates by reference the definitions in the Agreement and all capitalized terms defined therein shall have the same meaning in this ruling as set forth in the Agreement.

Settlement Class Certification

The Court preliminarily certified the following settlement class: all non-exempt employees employed by Defendant in California at any time during the period from June 1, 2020, through the date of preliminary approval. (Agreement ¶¶ 1.5 & 1.12.) On December 31, 2024, the Notice Packet was mailed to all 1,413 Class Members. (Polites Decl. ¶ 7.) Ultimately, 370 Notice Packets (280 for both Class and PAGA, 75 for Class only, and 15 for PAGA only) were undeliverable after the settlement administrator searched for updated addresses through skip tracing. (*Id.* at ¶¶ 8-10.) The deadline to respond to the Notice Packet was March 3, 2025. As of February 24, 2025, there were no requests for exclusion, objections, or workweek disputes. (*Id.* at ¶¶ 11-13.) **The Parties are directed to inform the Court at the hearing if the settlement administrator received any requests for exclusion, objections, or workweek disputes**

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between February 24, 2025 and March 3, 2025. The participation rate is 100%. The Court finds there has been no material change since the Court granted preliminary approval. Therefore, the Court intends to certify the proposed settlement class.

Aggrieved Employees

Aggrieved Employees are defined as: all non-exempt employees employed by Defendant in California at any time from November 29, 2021 through the date of preliminary approval. (Agreement ¶¶ 1.4 & 1.30.) Aggrieved Employees will receive their share of the PAGA penalty regardless of whether they opt out of the Class portion to the settlement. (*Id.* at ¶ 8.5.4 & Proposed Class Notice.) Plaintiff's counsel submitted a copy of the settlement to the Labor and Workforce Development Agency ("LWDA"). (Valle Decl. ¶ 8; Valle Decl. in Support of Preliminary Approval ¶ 56 & Ex. 3.)

Class Representative

The Court intends to appoint Plaintiff as Class Representative for settlement purposes only.

Class Counsel

The Court intends to appoint Aegis Law Firm, PC as Class Counsel for settlement purposes only.

Fair, Adequate and Reasonable Settlement

The Court must find a settlement is "fair, adequate, and reasonable" before approving a class action settlement. (*Wershba v. Apple Computer* (2001) 91 Cal.App.4th 224, 244-245.) The trial court has broad discretion to determine whether a proposed settlement in a class action is fair, adequate, and reasonable. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.) "[A] presumption of fairness exists where: (1) the settlement is reached through arm's-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small." (*Id.* at 1802.) In making its fairness determination, the Court considers the strength of the Plaintiffs' case, the risk, expenses, complexity and likely duration of further litigation, the risk of maintaining class action status through trial, the amount offered in settlement, the extent of discovery completed and the state of the proceedings, and the experience and views of counsel. (*Id.* at 1801.) In approving a class action settlement, the Court must "satisfy itself that the class settlement is within the 'ballpark' of reasonableness." (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 133.)

This is a non-reversionary, opt-out settlement. (Agreement ¶ 3.1.) Defendant will pay the Gross Settlement Amount ("GSA") of \$650,000. (*Ibid.*) Defendant will separately pay employer payroll taxes. (*Ibid.*) The following will be paid from the GSA: (1) a service payment to Plaintiff

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in the amount of \$10,000; (2) attorneys' fees equaling one-third of the GSA (\$216,666.67) and litigation costs in the amount of \$21,965.20 to Class Counsel; (3) settlement administration costs in the amount of \$11,850; (4) individual class member settlement payments; and (5) a PAGA Penalty in the amount of \$40,000 (75% of which will be paid to the LWDA and 25% of which will be paid to Aggrieved Employees). (*Id.* at ¶¶ 3.2.1-3.2.4; Polites Decl. ¶ 19; Valle Decl. ¶¶ 45-51 & Exs. 3-4.)

For tax purposes, class member payments will be allocated: 20% as wages and 80% as penalties and interest. (Agreement ¶ 3.2.4.1.) PAGA Payments will be treated entirely as penalties. (*Id.* at ¶ 3.2.5.2.) The funds from settlement checks that are uncashed after 180 days will be sent to the California Unclaimed Property fund in the name of the payee. (*Id.* at ¶¶ 4.4.1 & 4.4.3.) The average class member payment is estimated to be \$306.86 and the average PAGA payment is estimated to be \$8.58. (Polites Decl. ¶¶ 16 & 18.)

Disposition

The Court tentatively finds that the settlement is fair, reasonable and adequate in light of all of the circumstances presented in the moving papers. (Valle Decl. ¶¶ 14-29.) Provided that no objection is asserted by any class member at the hearing on this matter, the Court anticipates signing the proposed order. The Court also intends to award attorney's fees, costs, and an enhancement award in the amounts requested.

The Court sets a settlement compliance hearing for February 13, 2026 at 10:30 a.m. in this department. At least **15** days prior to the hearing, counsel shall file a declaration regarding the status of the distribution of the settlement funds. If the Court is satisfied that the settlement funds have been fully distributed, no appearance will be required.

The Court orders the parties to appear. **The parties may and are encouraged to appear by Zoom with the links below:**

To join by Zoom Link - <https://saccourt-ca-gov.zoomgov.com/my/sscdept23>

To join by phone dial (833) 568-8864 ID 16108301121

Parties requesting services of a court reporter will need to arrange for private court reporter services at their own expense, pursuant to Government code section 68086 and California Rules of Court, Rule 2.956. Requirements for requesting a court reporter are listed in the Policy for Official Reporter Pro Tempore available on the Sacramento Superior Court website at <https://www.saccourt.ca.gov/court-reporters/docs/crtrp-6a.pdf>. Parties may contact Court-Approved Official Reporters Pro Tempore by utilizing the list of Court Approved Official Reporters Pro Tempore available at <https://www.saccourt.ca.gov/court-reporters/docs/crtrp-13.Pdf>

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A Stipulation and Appointment of Official Reporter Pro Tempore (CV/E-206) is required to be signed by each party, the private court reporter, and the Judge prior to the hearing, if not using a reporter from the Court's Approved Official Reporter Pro Tempore list. Once the form is signed it must be filed with the clerk.

If a litigant has been granted a fee waiver and requests a court reporter, the party must submit a Request for Court Reporter by a Party with a Fee Waiver (CV/E-211) and it must be filed with the clerk at least 10 days prior to the hearing or at the time the proceeding is scheduled if less than 10 days away. Once approved, the clerk will be forward the form to the Court Reporter's Office and an official reporter will be provided.

Counsel for Plaintiff is directed to notice all parties of this order.

Status Conference regarding settlement compliance is scheduled for 02/13/2026 at 10:30 AM in Department 23 at Gordon D. Schaber Superior Court.