

SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

Tentative Ruling

2024CUOE020092: JUAN MANUEL GOMEZ vs WESTCOAST PARATRANSIT INC, et al.

**07/15/2026 in Department 44
Hearing Final Fairness and Approval Hearing**

Department Rules. Parties and counsel shall follow the Department 44 rules and Zoom protocols, available at <https://www2.ventura.courts.ca.gov/Courtroom/C44>.

Remote Appearances. The Court allows Zoom appearances as a courtesy to parties and counsel. The Court does not accommodate Court Call appearances. **You MUST register by 4:00 p.m. the court day before your hearing or you will be DENIED entry to the hearing:**

ZOOM Registration Link:

<https://ventura-courts-ca.zoom.us/meeting/register/iqN7uhQSQMuOqs-9TQXgEQ>

No advance notice is required to appear in person.

Tentative Rulings. Oral argument should address the tentative decision. To submit on the tentative decision, email courtroom44@ventura.courts.ca.gov before 8:00 a.m. on the hearing date, copying all other parties, Use the subject line “SUBMISSION ON TENTATIVE”, [Case Number], [Case Title] and [Party]. If not all parties submit, the hearing will proceed, and the tentative ruling may change.

The Court may adopt, modify or reject the tentative ruling after hearing. The tentative ruling has no legal effect unless and until adopted by the Court.

Motion: Motion for Final Approval of Class Action Settlement (“Motion”)

Tentative Ruling:

The Court GRANTS the Motion as follows:

1. Approval of Key Financial Terms of Settlement

Description	Preliminarily Approved	Approved
Gross Settlement Amount	\$575,000	\$575,000
Less: Attorney Fees	(not to exceed) \$191,668	\$172,500
Less: Costs	(not to exceed) \$30,000	\$2,360
Less: Administrative Costs	(not to exceed) \$7,900	\$7,900
Less: PAGA Penalties	\$25,000	\$25,000
Less: Service Award	\$5,000	\$5,000

Net Settlement Before PAGA add-back	\$315,432	\$362,240
Plus PAGA Penalty to Aggrieved Employees (75% to LWDA / 25% to Aggrieved Employees) ¹	\$6,250	\$6,250
Net Settlement After PAGA add-back	\$321,682	\$368,490

Number of Class Members: 353

2. **Timely Service.** The Motion was timely served on all parties, to include service of the Motion and settlement agreement on the LWDA. (Labor Code § 2699(s)(2); Code Civ. Proc. §§ 1005, 1010.6.)

3. Class Notice, Opt Outs, & Objections

The class is defined as “**all persons currently or formerly employed by Defendants as a non-exempt employee in the State of California at any time during the Class Period.**” The Class Period is January 30, 2020, through January 22, 2025.

At preliminary approval, the estimated number of class members was 353, who worked 32,413 workweeks during the class period over 5,837 pay periods. No class members have objected or opted out of the settlement, which means that the participating 353 class members represent 100 % of the class. The escalator clause was not triggered. With assumptions made as to costs, the average individual class payout is estimated to be \$893.58 with a range from \$9.73 to \$2,520.51. (Decl. S. Molina.)

4. **Conformity with Rules of Court.** The Rules of Court govern the length and format of law and motion papers, to include that no opening or responding memorandum may exceed 15 pages absent leave of court (See Cal. R. Ct., rule 3.1113(d).); the font must be at least 12 points (Cal. R. Ct., rule 2.104); conforming exhibits that are appropriately indexed, tabbed or bookmarked, and paginated (Cal. R. Ct., rules, 2.256(b) and 3.1110(f).) Counsel’s compliance with these rules greatly aids in the review of papers filed with the Court, and also avoids delay in the Court’s issuance of a decision on the merits. Noncompliance with these rules may cause delay in approval, or the Court to disregard noncompliant materials. (See Code Civ. Proc. §§ 187 & 128; see also *Bozzi v. Nordstrom* (2010) 186 Cal.App.4th 755, 765 [trial court has broad discretion to refuse to consider papers that do not comply with rule 3.1300(d)].) The papers filed in support of the motion do not comply with the rules of court, e.g., the documents submitted as exhibits to declarations are not bookmarked, properly labeled, and paginated. Notwithstanding these deficiencies, the Court will consider the papers and admonishes counsel to file compliant papers in the future.

5. **Fairness of Settlement.** The Court previously found that Plaintiff met their burden to show that the settlement was obtained after an arms-length negotiation, and is fair, adequate and

¹ Effective for PAGA Notices filed before June 19, 2024, penalties recovered are allocated 75% (LWDA) / 25% (Aggrieved Employees). For PAGA Notices filed on or after June 19, 2024, penalties recovered are allocated 65% (LWDA) / 35% (Aggrieved Employees). (Labor Code § 2699(m).)

reasonable. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801 [adequacy and reasonableness factors include consideration of case strengths, risks, and posture; settlement amount; experience of counsel].) The Court now confirms its prior findings in connection with its review of the Motion for Final Approval.

6. Attorney Fee Award. The Court preliminarily approved a percentage **fee recovery up to 1/3 of the common fund.** (*Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495.) The Court previously appointed class counsel **Kashif Haque, Samuel Wong, Jessica Campbell and Julia Toscano** of the **Aegis Law Firm.**

The Court has reviewed the papers in support of the motion for final approval and now makes a reasonable fee award as follows:

Counsel in this action billed a total of 287.7 hours of work, which they assert resulted in a lodestar of \$208,370, as follows: attorney Sam Wong, 74.2 hours at an hourly rate of \$950 for a total of \$70,490; attorney Jessica Campbell, 48.9 hours at an hourly rate of \$800 for a total of \$39,120, attorney Julia Toscano 164.6 hours at an hourly rate of \$600 for a total of \$98,760. Plaintiff submitted declarations of counsel detailing their education and experience, as well as the work performed, and a description of the posture of this case, and assert that they amount they request is less than the lodestar. The Court finds that the amount requested is not reasonable considering the early resolution of this garden-variety wage and hour and PAGA case, and the hourly rate of counsel is not reasonable based on the Court's knowledge of prevailing rates in Ventura County. Notwithstanding the Court's determination in this regard, the Court recognizes that the class and aggrieved employees received benefit from the skill and experience of counsel, and the attendant risk that counsel bore in taking on a contingency matter.

Based on the foregoing analysis, the Court approves an attorney fee award of 30 percent of settlement, **\$172,500.**

7. Service Award. Plaintiff, **Juan Manuel Gomez**, seeks an incentive award of **\$5,000.** Here, the Court finds within its discretion that an award of up to **\$5,000** reflects the class representative's actual effort, risk, and contributions to the litigation, and is not disproportionate to plaintiff's expended effort. (*Cellphone Termination Fee Cases* (2010) 186 Cal.App.4th 1380, 1393–1395.)

8. Attorney Costs. Costs were previously approved in an amount not to exceed **\$30,000.** Plaintiff now seeks costs in the amount of **\$20,566.06.** In the context of the gross settlement amount, the other costs involved in this case, and the Court's familiarity with costs incurred in this type of litigation, the Court finds that the amount of costs sought is very high. Plaintiff provides an itemized list of the costs sought, which include, without any documentation \$1,120 for a filing fee on June 14, 2024, and \$503.11 for a filing fee on January 29, 2024, \$11,250 for "mediation services," \$2,160 for "Berger Consulting," and \$3,173 for "Evidentia Consulting. Absent additional information justifying these expenses, the Court disallows them. Costs are thus awarded in the amount of **\$2,359.95.**

9. Claims Administration.

The Court previously appointed **ILYM Group, Inc.** as the settlement administrator in this case. The Court has now reviewed the declarations of **Stephanie Molina**, that verifies the

timely sending of class notice, efforts to find class members with invalid addresses, the number of objections from class members, the number of opt outs from class members.

The Court previously approved costs for the class administrator in an amount not to exceed **\$7,900**, which is the amount now requested. The Court approves the requested amount.

10. **Cy Pres.** The parties previously designated the State Controller's Unclaimed Property Division as the place to which any unclaimed settlement funds will be sent. Counsel are on notice that the Court will no longer approve this disposition of unclaimed funds, and will instead require parties to select a charity in accordance with Code of Civil Procedure section 384, or provide an explanation why the State Controller's office of unclaimed property as the recipient for any unclaimed settlement funds is more appropriate in this case.

Subject to any modifications above, the Court GRANTS the motion and will sign the proposed order **to be modified in accordance with this order.**

The Court hereby sets the hearing for final settlement compliance on Wednesday, **February 24, 2027 at 1:30 p.m.** Plaintiff shall file a declaration concerning settlement compliance at least 10 days in advance of the compliance hearing date.

Plaintiffs counsel shall give notice.