

Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse

<b>Casas</b>	Plaintiff/Petitioner(s)
vs.	
<b>Mission-Hope Day Program, LLC.</b>	Defendant/Respondent(s)
(Abbreviated Title)	

No. **RG15797671**

**Minutes**

Department 21

Honorable Winifred Y. Smith, Judge

Cause called for Motion: October 26, 2018.

The motion of plaintiffs for preliminary approval of class action settlement is GRANTED.

The complaint alleged claims by program instructors and drivers for meal and rest breaks, work off the clock, wage statements, wage due at termination, and wages in a timely manner. The complaint also asserted PAGA claims on behalf of the Labor and Workforce Development Agency ("LWDA"). There are approximately 423 members of the class.

The case preliminarily settled for a total of \$767,000. The class will get approximately \$460,000 after fees and costs, or approximately \$1,100 per class member.

The settlement was mediated with the assistance of Michael Loeb. The court gives "considerable weight to the competency and integrity of counsel and the involvement of a neutral mediator in [concluding] that [the] settlement agreement represents an arm's length transaction entered without self-dealing or other potential misconduct." (Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116, 129.) (See also In re Sutter Health Uninsured Pricing Cases (2009) 171 Cal.App.4th 495, 504.)

The motion makes an adequate analysis required by Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116. (Opening at 9-14)

The scope of the release is appropriate to the claims asserted in the case. (Settle Agt, para 2.35.)

The Court notes and approves of the plan to distribute the settlement funds with no claims process. (Settle Agt, para 5.1 et seq.)

Any unclaimed funds will be distributed to Legal Aid at Work. (Settle Agt., para 10.4) The Hoyer Dec at para 621 complies with newly enacted CCP 382.4. This distribution is consistent with CCP 384 as recently amended.

The form of the class notice is adequate.

The Court will not approve the amount of attorneys' fees until final approval hearing. The Court cannot award attorneys' fees without reviewing information about counsel's hourly rate and the time spent on the case. This is the law even if the parties have agreed that Defendants will not oppose the motion for fees. (Robbins v. Alibrandi (2005) 127 Cal. App. 4th 438, 450-451.)

The Court will not decide the amount of any incentive award until final approval hearing. Plaintiffs must provide evidence regarding the nature of their participation in the action, including a description of their specific actions and the amount to time they committed to the prosecution of the case. (Clark v. American Residential Services LLC (2009) 175 Cal.App.4th 785, 804-807.)

The Court ORDERS that 10% of any fee award to be kept in the administrator's trust fund until the

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**Minutes**

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completion of the distribution process and Court approval of a final accounting.

The Court will set a compliance hearing approximately 60 days after the completion of the distribution process for counsel for plaintiff and the Administrator to comply with CCP 384(b) and to submit a summary accounting how the funds have been distributed to the class members and the status of any unresolved issues. If the distribution is completed, the Court will at that time release any hold-back of attorney fees.

The court sets the hearing on final approval for 2/8/19. Plaintiff must reserve a hearing for that date.

Plaintiffs must submit a proposed order that includes the withholding of 10% of counsel's fees until the completion of the distribution process and Court approval of a final accounting.

Minutes of 10/26/2018

Entered on 10/26/2018

Chad Finke Executive Officer / Clerk of the Superior Court

By  digital

Deputy Clerk

SHORT TITLE:

Casas VS Mission-Hope Day Program, LLC.

CASE NUMBER:

RG15797671

ADDITIONAL ADDRESSEES

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