

Tentative Rulings for August 13, 2025
Department 502

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) *The above rule also applies to cases listed in this "must appear" section.*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

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Tentative Rulings for Department 502

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Tentative Ruling

Motion: By Defendant, Douglas Cook, to Compel Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production of Documents, Set One, and Request for Admissions to be Deemed Admitted

Tentative Ruling:

Request for Admissions are deemed admitted.

To impose reasonable sanctions in the sum of \$1,240.00, against plaintiff Jane Lucy, and in favor of defendant Douglas Cook, to be paid to defendant within 30 days of service of the minute order by the clerk.

Explanation:

On April 25, 2025 defendant propounded on the aforementioned discovery, and request for admissions on plaintiff. Plaintiff still has not served any responses. Accordingly, an order compelling plaintiff to provide responses without objections (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a)), is warranted, and reasonable sanctions must be imposed (Code Civ. Proc., §§ 2023.010, subd. (d), 2023.030, subd. (a); *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 404).

Furthermore, self-representation is not a ground for lenient treatment and, as is the case with attorneys, a person who represents herself “must follow correct rules of procedure.” *Nwosu v. Uba* (2004) 122 Cal. App.4th 1229, 1247.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: KCK **on** 08/08/25
(Judge's initials) (Date)

(20)

Tentative Ruling

Re: ***Pelayo v. Nations Roof West, LLC***
Superior Court Case No. 23CECG01236

Hearing Date: August 13, 2025 (Dept. 502)

Motion: Plaintiff's Motion for Final Approval of Class Action Settlement

Tentative Ruling:

To grant final approval of the settlement and certification of the class, except \$5,000 is awarded as enhancement payment to plaintiff. The court will sign the proposed order, corrected accordingly.

To set a hearing at August 11, 2026, at 3:30 p.m. in Department 502 as a hearing date for an Amended Judgment pursuant to Code of Civil Procedure section 384. A verified report of payouts of settlement funds and a proposed amended judgment shall be submitted no later than July 28, 2026.

Explanation:

"Before final approval, the court must conduct an inquiry into the fairness of the proposed settlement." (Cal. Rules of Court, rule 3.769(g).) "The trial court has broad discretion to determine whether a class action settlement is fair. It should consider factors such as the strength of plaintiffs' case; the risk, expense, 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 stage of the proceedings; the experience and views of counsel; the presence of a governmental participant; and the reaction of the class members to the proposed settlement." (*Reed v. United Teachers Los Angeles* (2012) 208 Cal.App.4th 322, 336.)

The court has already considered these factors and found the settlement to be fair and reasonable.

As a general rule, the lodestar method is the primary method for calculating the amount of class counsel's attorney's fees; however, the percentage-of-the benefit approach may be proper when there is a common fund. In some cases, it may be appropriate, when the monetary value of the class benefit can be determined with a reasonable degree of certainty, such as this one, for the judge to cross-check or adjust the lodestar amount in comparison to a percentage of the common fund to ensure that the fee awarded is reasonable and within the range of fees freely negotiated in the legal marketplace in comparable litigation. (See *Laffitte v. Robert Half Int'l, Inc.* (2016) 1 Cal.5th 480, 488–497; *Roos v. Honewell Int'l, Inc.* (2015) 241 Cal.App.4th 1472, 1490–1494; *In re Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 557.)

The lodestar analysis is based on a "careful compilation of the time spent and reasonable hourly compensation of each attorney ... involved in the presentation of the case." (*Serrano v. Priest* (1977) 20 Cal.3d 25, 48.) As our Supreme Court has repeatedly

Class counsel submit that their lodestar comes to \$243,905, based on 380.1 hours expended at hourly rates ranging from \$450 - \$850. The court finds the fee requested to be reasonable. Actual litigation costs of \$21,258.14 are also approved.

The settlement administration expense is approved as requested.

Issued By: KCK on 08/08/25
(Judge's initials) (Date)