

**Tentative Rulings for February 4, 2026**  
**Department 403**

**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)**

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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.*

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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 begin at the next page)

## **Tentative Rulings for Department 403**

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(03)

**Tentative Ruling**

Re: ***White v. Colton's Social House, Inc.***  
Case No. 23CECG02432

Hearing Date: February 4, 2026 (Dept. 403)

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

**Tentative Ruling:**

To deny plaintiff's motion for preliminary approval of class action and PAGA settlement, without prejudice.

**Explanation:**

**1. Class Certification**

**a. Standards**

"Class certification requires proof (1) of a sufficiently numerous, ascertainable class, (2) of a well-defined community of interest, and (3) that certification will provide substantial benefits to litigants and the courts, i.e., that proceeding as a class is superior to other methods. In turn, the community of interest requirement embodies three factors: (1) predominant common questions of law or fact; (2) class representatives with claims or defenses typical of the class; and (3) class representatives who can adequately represent the class." (*In re Tobacco II Cases* (2009) 46 Cal. 4th 298, 313.)

**b. Numerosity and Ascertainability**

"Ascertainability is achieved by defining the class in terms of objective characteristics and common transactional facts making the ultimate identification of class members possible when that identification becomes necessary. While often it is said that class members are ascertainable where they may be readily identified without unreasonable expense or time by reference to official records, that statement must be considered in light of the purpose of the ascertainability requirement. Ascertainability is required in order to give notice to putative class members as to whom the judgment in the action will be res judicata." (*Nicodemus v. Saint Francis Memorial Hospital* (2016) 3 Cal.App.5th 1200, 1212, internal citations and quote marks omitted.)

Here, the class is ascertainable, as defendants' personnel records should be sufficient to allow the parties to identify the class members. The class is also sufficiently numerous to justify certification, as plaintiff's counsel claims that there are approximately 502 class members who worked for defendant during the class period. Therefore, the court intends to find that the class is sufficiently numerous and ascertainable for certification.

**c. Community of Interest**

"[T]he 'community of interest requirement embodies three factors: (1) predominant common questions of law or fact; (2) class representatives with claims or defenses typical of the class; and (3) class representatives who can adequately represent the class.'" (*Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th 1004, 1021, internal citations omitted.) "The focus of the typicality requirement entails inquiry as to whether the plaintiff's individual circumstances are markedly different or whether the legal theory upon which the claims are based differ from that upon which the claims of the other class members will be based." (*Classen v. Weller* (1983) 145 Cal. App. 3d 27, 46.) [T]he adequacy inquiry should focus on the abilities of the class representative's counsel and the existence of conflicts between the representative and other class members." (*Caro v. Procter & Gamble Co.* (1993) 18 Cal. App. 4th 644, 669.)

Here, it does appear that there are common questions of law and fact, as all of the proposed class members worked for the same defendant and allegedly suffered the same type of Labor Code violations. Therefore, the proposed class involves common issues of law and fact.

With regard to the requirement of typicality of the representative's claims, it does appear that the named plaintiff's claims are typical of the rest of the class and that he seeks the same relief as the other class members based on their allegations and prayer for relief in the complaint. There is no evidence that the named plaintiff has any conflicts between his interests and the interests of the other class members that would make him unsuitable to represent their interests. Therefore, plaintiff has shown that he have claims typical of the other class members.

Plaintiffs' counsel has submitted his declaration stating his firm's qualifications and experience in class litigation. There is no indication that the firm has any conflict of interest that would prevent them from being appointed as counsel for the class. While counsel's declaration does not describe his own education, background and experience, or the backgrounds of any of the attorneys at his firm, he has at least provided enough information to conclude that the firm as a whole is qualified to represent the class and that they do not have any conflicts of interest. Therefore, the declaration provides sufficient evidence to support counsel's assertion that he and his firm are experienced and qualified to represent the named plaintiff and the other class members here.

#### **d. Superiority of Class Certification**

It does appear that certifying the class would be superior to any other available means of resolving the disputes between the parties. Absent class certification, each employee of defendants would have to litigate their claims individually, which would result in wasted time and resources relitigating the same issues and presenting the same testimony and evidence. Class certification will allow the employees' claims to be resolved in a relatively efficient and fair manner. (*Sav-On Drugs Stores, Inc. v. Superior Court* (2004) 34 Cal.4th 319, 340.) Also, the value of each individual class member's claim is relatively small, so it would not be worthwhile for them to bring their claims on an individual basis. On the other hand, if they bring their claims as a class, then they can recover substantially more money and hopefully deter defendant from committing future violations of the law. Therefore, it does appear that class certification is the superior means of resolving the plaintiffs' claims.

**Conclusion:** The court intends to grant certification of the class for the purpose of settlement.

## **2. Settlement**

### **a. Fairness and Reasonableness of the Settlement**

"In determining whether a class settlement is fair, adequate and reasonable, the trial court should consider relevant 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.' The list of factors is not exclusive and the court is free to engage in a balancing and weighing of factors depending on the circumstances of each case." (*Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App.4th 224, 244–245, internal citations omitted, disapproved of on other grounds by *Hernandez v. Restoration Hardware, Inc.* (2018) 4 Cal.5th 260.)

Here, plaintiffs' counsel's declaration only states in very general terms that the settlement was reached through arm's length negotiations after mediation, that counsel obtained extensive information about the facts of the case through litigation and discovery, and that plaintiff had strong claims but defendant also had "formidable defenses." "Given all of the circumstances, Counsel for Plaintiff believes that the proposed settlement is fair, adequate, and reasonable to all members of the class."

However, such vague and general assertions do not provide the court with sufficient evidence to conclude that the settlement is fair, reasonable, adequate. What was the potential value of plaintiff's claims? What records and other information did plaintiff's counsel examine to determine the value of the case? What discovery was conducted? Did plaintiff's counsel have an expert review the records? What were the specific risks involved in taking the case to trial? What defenses has defendant raised that might have been successful? Why did plaintiff conclude that it was reasonable for him to accept \$385,000 to settle his claims? Plaintiff's counsel has not provided any evidence to support his conclusion that the settlement was actually fair, adequate, and reasonable. Therefore, the court cannot find that the settlement is reasonable, fair, and adequate under the circumstances.

### **b. Proposed Class Notice**

The proposed notice appears to be adequate. The notices will provide the class members with information regarding their time to opt out or object, the nature and amount of the settlement, the impact on class members if they do not opt out, the amount of attorney's fees and costs, and the service award to the named class representatives. As a result, the court should find that the proposed class notice is adequate.

## **3. Attorney's Fees and Costs**

Plaintiffs' counsel seeks attorney's fees of \$128,333, which is 1/3 of the gross settlement. Plaintiffs' counsel has provided a declaration to describe in general terms his firm's qualifications and background. However, he does not discuss his own specific education, background, and experience, or explain how his efforts in the case warrant

the requested fee award. He does not state the hours he or any other attorneys in the firm worked on the case, their hourly rates, or how their lodestar fees relate to the requested fee award. While courts may award fees in class action cases based on a percentage of the total settlement, the courts may also conduct a lodestar cross-check to ensure that the requested fees are reasonable. (*Laffitte v. Robert Half International, Inc.* (2016) 1 Cal.5th 480, 503-504.) Here, plaintiff's counsel has not provided sufficient evidence to allow the court to make a preliminary determination of the reasonableness of the requested fees. Therefore, the court cannot grant preliminary approval of the requested attorneys' fees at this time.

In addition, counsel has not provided any evidence to support the request for costs of up to \$11,000. Counsel has not stated what costs were incurred in the case, and why the requested cost award is necessary to cover those costs. Therefore, the court will not grant preliminary approval of the request for \$11,000 in costs.

#### **4. Payment to Class Representatives**

Plaintiffs seek preliminary approval of a \$10,000 service award to the named plaintiff. However, the plaintiff has not provided his declaration stating what work he did in the case to warrant a \$10,000 enhancement payment. Without some evidence of the work done by the plaintiff and the risks he took to bring the case, there is no basis for the court to conclude that the proposed payment is fair, reasonable, or adequate. Therefore, the court will not grant preliminary approval of the \$10,000 incentive award to the named plaintiff.

#### **5. Payment to Class Administrator**

Plaintiff's counsel states that the class administrator, Atticus Administration, LLC, will receive a maximum of up to \$11,250 to administer the settlement. He also provides a quote from Atticus that confirms that it will perform the administration services for \$11,250. (Exhibit D to Lofton decl.) However, he has not provided a declaration from a representative of Atticus, stating the company's qualifications and the work that it will do to administer the case. Therefore, plaintiff has not provided sufficient evidence to allow the court to determine that the requested administration fee is fair, reasonable, and adequate. As a result, the court will not grant preliminary approval of the settlement administration fees at this time.

#### **6. PAGA Settlement**

Plaintiff proposes to allocate \$50,000 of the settlement to the PAGA claims, with 75% of that amount being paid to the LWDA as required by law and the other 25% being paid out to the aggrieved employees. Plaintiff's counsel states that he will give notice of the settlement to the LWDA concurrently with the motion being filed. However, he has not stated in his declaration that he actually served the LWDA with the motion, nor has he provided a proof of service showing that the LWDA was served with the motion. Therefore, he has not met the requirements of Labor Code section 2699, subdivision (s)(2).

Also, plaintiff's counsel has not provided any explanation of the reasons why they allocated \$50,000 of the total settlement to the PAGA claim. Counsel has not included any discussion of the value of the PAGA claim, the risks of litigating the claim, or why it is fair, reasonable, and adequate to allocate \$50,000 to the claim. Plaintiff's counsel also does not state how many aggrieved employees are covered by the PAGA claim, or how

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.

Issued By: Img on 2/3/26  
(Judge's initials) (Date)

(27)

### Tentative Ruling

Re: ***In re Charlotte Hood***  
Superior Court Case No. 25CECG00222

Hearing Date: February 4, 2026 (Dept. 403)

Motion: Amended Petition to Compromise Minor's Claim

### Tentative Ruling:

To grant the petition. Orders Signed. No appearances necessary. The court sets a status conference for Thursday, June 4, 2026, at 3:30 p.m., in **Department 403**, for confirmation of deposit of the minors' funds into the blocked accounts. If Petitioner files the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) at least five court days before the hearing, the status conference will come off calendar.

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: img on 2/3/26  
(Judge's initials) (Date)