

Tentative Rulings for June 10, 2026
Department 503

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 503

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Tentative Ruling

Re: ***Jane Doe v. Trinity Health Corporation***
Superior Court Case No. 21CECG01454

Hearing Date: June 10, 2026 (Dept. 503)

Motion: by Plaintiff for Final Approval of Class Action Settlement

**If oral argument is timely requested, it will be entertained on
Thursday, June 11, 2026, at 3:30 p.m. in Department 503.**

Tentative Ruling:

To grant the motion for final approval of the class settlement.

To grant the motion for attorney fees in the amount of \$150,000 and litigation costs in the amount of \$16,595.29. To approve the class representative service award in the amount of \$5,000. To approve the requested payment to Kroll Settlement Administration LLC in the amount of \$79,400.

Plaintiff is directed to submit a proposed judgment consistent with the court's order.

To order the parties to return on June 9, 2027, at 3:30 p.m. in Department 503 to inform the court of the total amount actually paid to the class members, pursuant to Code of Civil Procedure section 384, subdivision (b), so that the judgment can be amended and the distribution of any cy pres funds can be ordered. The parties are ordered to file a declaration from the administrator as to the payout and amount of uncashed checks no later than May 10, 2027. As required by California Rules of Court, rule 3.771(b), notice of the judgment is to be given to the class. Notice may be given by an insert with the settlement check that states judgment was entered with a link to the court's website and directions to enter the case number.

Explanation:

Final Approval of Settlement

California Rules of Court, rule 3.769(g) states: "Before final approval, the court must conduct an inquiry into the fairness of the proposed settlement." Subsection (h) states: "If the court approves the settlement agreement after the final approval hearing, the court must make and enter judgment. The judgment must include a provision for the retention of the court's jurisdiction over the parties to enforce the terms of the judgment. The court may not enter an order dismissing the action at the same time as, or after, entry of judgment." (Emphasis added.)

The Court has vetted the fairness of the settlement through prior hearings, each with its own filings. The settlement here generally meets the standards for fairness, and the class has approved it, with no requests to opt-out of the settlement. Ultimately only 683 of the 18,146 notices were undeliverable. (Passarella Decl., ¶¶ 9-10.) This equates to a 96.2 percent reach for the Short-Form Notice postcards with claims form. (*Id.*, ¶ 11.) The court finds that the method of notice followed, which this court approved at the prior hearing, comports with due process and was reasonably calculated to reach the absent class members:

“Individual notice of class proceedings is not meant to guarantee that every member entitled to individual notice receives such notice,” but “it is the court's duty to ensure that the notice ordered is reasonably calculated to reach the absent class members.” *Hallman v. Pa. Life Ins. Co.*, 536 F.Supp. 745, 748–49 (N.D.Ala.1982) (quotation marks and citation omitted); see also *In re Viatron Computer Sys. Corp. Litig.*, 614 F.2d 11, 13 (1st Cir.1980); *Key v. Gillette Co.*, 90 F.R.D. 606, 612 (D.Mass.1981); cf. *Lombard*, at 155. After such appropriate notice is given, if the absent class members fail to opt out of the class action, such members will be bound by the court's actions, including settlement and judgment, even though those individuals never actually receive notice. *Cooper*, 467 U.S. at 874, 104 S.Ct. 2794; 7B Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure* § 1789 (2d ed.1986).

(*Reppert v. Marvin Lumber and Cedar Co., Inc.* (1st Cir. 2004) 359 F.3d 53, 56-57 emphasis added.)

Attorney's Fees and Costs

The settlement provided that the parties agreed (i.e., defendant agreed not to oppose) fees calculated at up to \$150,000, representing one-third of the gross settlement amount. Although the court has discretion to grant attorney's fees in class actions based on a percentage of the total recovery, the trial court may also use a lodestar calculation to double check the reasonableness of the fee award. (*Laffitte v. Robert Half Intern. Inc.* (2016) 1 Cal.5th 480, 504-506.)

In the present case, counsel has submitted evidence of the hours expended during litigation Keegan & Baker LLP. The declaration of Patrick N. Keegan summarizes the total hours incurred during the course of litigation and his billing rates for a lodestar of \$174,027.75.00. (Keegan Decl., ¶¶ 29-30.)

The assessment of the lodestar begins with determining the number of hours reasonably expended multiplied by the reasonable hourly rate. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1134.) Reasonable hourly compensation is the "hourly prevailing rate for private attorneys in the community conducting noncontingent litigation of the same type" (*Id.* at p. 1133.) The hourly rate of counsel exceeds the prevailing rate for private attorneys in the community. However, after a modest reduction in billing rate and a multiplier of only 1.35, the reduced lodestar exceeds the percentage-based fee sought.

