1. DELGADILLO, ET AL. v. AMERICAN FAMILY MUT. INS. CO., ET AL., 25CV1336

Hearing Re: Ex Parte Application to Appoint Guardian Ad Litem

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, JANUARY 23, 2026, IN DEPARTMENT FOUR.

2. NICHOLS, ET AL. v. HARVEST SMALL BUSINESS FINANCIAL, LLC, ET AL., 25CV3370

Status Conference Re: Consolidation of Related Cases

On January 16, 2026, the parties appeared for the Order to Show Cause ("OSC") regarding preliminary injunction. In its tentative ruling issued January 15, 2026, without reaching the merits of the OSC, the court indicated that it appeared appropriate to consolidate the instant action with case No. 25CV3274, as the cases involve the same parties and appear to be based on the same underlying commercial loan agreement.

The court set the instant status conference and invited the parties to submit their acceptance and/or rejection of the proposed consolidation before the close of business on January 21, 2026.

On January 20, 2026, plaintiffs filed a response indicating they "do not oppose consolidation in principle" but request that the consolidation be limited in scope.

TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, JANUARY 23, 2026, IN DEPARTMENT FOUR.

3. WHALEN v. VAIL RESORTS, INC., ET AL., 25CV0205

(A) Demurrer

(B) Motion to Compel Response to Form Interrogatories (Set One)

(C) Motion to Compel Response to Special Interrogatories (Set One)

(D) Motion to Compel Response to Request for Production (Set One)

(E) Motion to Deem Matters Admitted

Demurrer

On October 30, 2025, defendants Vail Resorts Management Company and Vail Resorts, Inc. (collectively, "defendants") filed an amended demurrer to the second cause of action for negligence in plaintiff Chanel Whalen's ("plaintiff") original complaint on the grounds that plaintiff lacks standing to bring this survivor's claim on behalf of the decedent's estate where plaintiff failed to submit the required affidavit or declaration under penalty of perjury stating, amongst other items, that "[n]o other person has a superior right to commence the action or proceeding or to be substituted for the decedent in the pending action or proceeding." (See Code Civ. Proc., § 377.32, subd. (a)(6).)

Plaintiff filed no opposition to the demurrer. On January 12, 2026, plaintiff filed the first amended complaint ("FAC").

On January 15, 2026, defendants filed a reply and notice of non-opposition. Defendants acknowledge that, after a demurrer is filed, a plaintiff has the right to amend the complaint up to the time the opposition to the demurrer is due – i.e., nine court days before the hearing on the demurrer. (Code Civ. Proc., § 472.) In this case, however, the deadline to oppose defendants' demurrer was January 9, 2026. Therefore, plaintiff's FAC is untimely. The court, on its own motion, hereby strikes the FAC in its entirety. (Code Civ. Proc., § 436, subd. (b).)

The court sustains the instant demurrer with leave to amend. For clarity, plaintiff is directed to entitle her amended complaint the "Second Amended Complaint."

Motion to Compel Response to Form Interrogatories (Set One)

If a party to whom interrogatories were directed fails to serve a timely response, the propounding party may move for an order compelling responses. (Code Civ. Proc., § 2030.290, subd. (b).) All that need be shown in the moving papers is that a set of interrogatories was properly served on the opposing party, that the time to respond has expired, and that no response of any kind has been served. (See *Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 905–906.)

Here, defendants electronically propounded the form interrogatories on plaintiff on September 17, 2025. (Rivera Decl., filed Nov. 19, 2025, ¶ 3 & Ex. A.) Accordingly, the deadline for plaintiff's verified response was October 21, 2025 (30 calendar days, extended by two court days for electronic service). (Code Civ. Proc., §§ 1013, subd. (e), 2030.260, subd. (a).) Defendants' reply brief states plaintiff served unverified[1] responses on January 13, 2026. (Rivera Decl., filed Jan. 15, 2026, ¶ 2 & Ex. A.)

"The party to whom the interrogatories are directed shall sign the response under oath unless the response contains only objections." (Code Civ. Proc., § 2030.250, subd. (a).) Plaintiff's response contains factual material, not just objections. Although an attorney may verify the response of its *corporate principal* (see Code Civ. Proc., § 2030.250, subd. (b)), the response of an *individual party* must be verified by that party. (Code Civ. Proc., § 2030.250, subd. (a).) Because plaintiff's response is not properly verified, it equates to no response at all. (See *Appleton v. Superior Court* (1988) 206 Cal.App.3d 632, 636 ["Unsworn responses are tantamount to no responses at all"].) Therefore, the court grants the motion to compel.

[1] Attached to plaintiff's response is a purported verification from her attorney, which states in pertinent part: "I, Michael C. Guasco, am the attorney for Plaintiff Chanel Whalen, who is absent from the county in which I maintain my office. I have read the foregoing Responses to Form Interrogatories, Set One, on behalf of Chanel Whalen. The same are true and correct to the best of my knowledge, information, and belief." (Rivera Decl., filed Jan. 15, 2026, Ex. A.)

Motion to Compel Response to Special Interrogatories (Set One)

If a party to whom interrogatories were directed fails to serve a timely response, the propounding party may move for an order compelling responses. (Code Civ. Proc., § 2030.290, subd. (b).) All that need be shown in the moving papers is that a set of interrogatories was properly served on the opposing party, that the time to respond has expired, and that no response of any kind has been served. (See *Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 905–906.)

Here, defendants electronically propounded the special interrogatories on plaintiff on September 17, 2025. (Rivera Decl., filed Nov. 19, 2025, ¶ 3 & Ex. A.) Accordingly, the deadline for plaintiff's verified response was October 21, 2025 (30 calendar days, extended by two court days for electronic service). (Code Civ. Proc., §§ 1013, subd. (e), 2030.260, subd. (a).) Defendants' reply brief states plaintiff served an unverified[2] response on January 13, 2026. (Rivera Decl., filed Jan. 15, 2026, ¶ 2 & Ex. A.)

As previously discussed, because plaintiff's response is not properly verified, it is tantamount to no response at all. Therefore, the motion to compel is granted.

Motion to Compel Response to Request for Production (Set One)

If a party to whom requests for production were directed fails to serve a timely response, the propounding party may move for an order compelling responses. (Code Civ. Proc., § 2031.300, subd. (b).) All that need be shown in the moving papers is that a set of request for production was properly served on the opposing party, that the time to respond has expired, and that no response of any kind has been served. (See *Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 905–906.)

[2] Attached to plaintiff's response is a purported verification from her attorney, which states in pertinent part: "I, Michael C. Guasco, am the attorney for Plaintiff Chanel Whalen, who is absent from the county in which I maintain my office. I have read the foregoing Responses to Special Interrogatories, Set One, on behalf of Chanel Whalen. The same are true and correct to the best of my knowledge, information, and belief." (Rivera Decl., filed Jan. 15, 2026, Ex. A.)

Here, defendants electronically propounded the request for production on plaintiff on September 17, 2025. (Rivera Decl., filed Nov. 19, 2025, ¶ 3 & Ex. A.) Accordingly, the deadline for plaintiff's verified response was October 21, 2025 (30 calendar days, extended by two court days for electronic service). (Code Civ. Proc., §§ 1013, subd. (e), 2031.260, subd. (a).) Defendants' reply brief states plaintiff served an unverified[3] response on January 13, 2026. (Rivera Decl., filed Jan. 15, 2026, ¶ 2 & Ex. A.)

As previously discussed, because plaintiff's response is not properly verified, it is tantamount to no response at all. Therefore, the motion to compel is granted.

Motion to Deem Matters Admitted

A party served with requests for admission must serve a response within 30 days. (Code Civ. Proc., § 2033.250.) Failure to serve a response entitles the requesting party, on motion, to obtain an order that the genuineness of all documents and the truth of all matters specified in the requests for admission be deemed admitted. (Code Civ. Proc., § 2033.280, subd. (b).) When such a motion is made, the court must grant the motion and deem the requests admitted unless it finds that prior to the hearing, the party to whom the requests for admission were directed has served a proposed response that is in substantial compliance with the provisions governing responses. (Code Civ. Proc., § 2033.280, subd. (c); *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 776, 778; see also *Demyer v. Costa Mesa Mobile Home Estates* (1995) 36 Cal.App.4th 393, 395–396 ["two strikes and you're out"].) "It is mandatory that the court impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) on the party or attorney,

[3] Attached to plaintiff's response is a purported verification from her attorney, which states in pertinent part: "I, Michael C. Guasco, am the attorney for Plaintiff Chanel Whalen, who is absent from the county in which I maintain my office. I have read the foregoing Responses to Requests for Production of Documents, Set One, on behalf of Chanel Whalen. The same are true and correct to the best of my knowledge, information, and belief." (Rivera Decl., filed Jan. 15, 2026, Ex. A.)

or both, whose failure to serve a timely response to requests for admission necessitated this motion." (Code Civ. Proc., § 2033.280, subd. (c).)

In this case, defendants electronically propounded the request for admission on plaintiff on September 17, 2025. (Rivera Decl., filed Nov. 19, 2025, ¶ 3 & Ex. A.) Accordingly, the deadline for plaintiff's verified response was October 21, 2025 (30 calendar days, extended by two court days for electronic service). (Code Civ. Proc., §§ 1013, subd. (e), 2033.250, subd. (a).) Defendants' reply brief states plaintiff served an unverified[4] response on January 13, 2026. (Rivera Decl., filed Jan. 15, 2026, ¶ 2 & Ex. A.)

Indeed, plaintiff is required to verify her own response. (Code Civ. Proc., § 2033.240, subd. (a).) "But a responding party's service, prior to the hearing on the 'deemed admitted' motion, of substantially compliant responses, will defeat a propounding party's attempt under [Code of Civil Procedure] section 2033.280 to have the RFAs deemed admitted." (*St. Mary*, *supra*, 223 Cal.App.4th at p. 776.)

The court notes that plaintiff's proposed response gives "lack of information or knowledge" as a reason for a failure to admit all or part of several of the requests for admission (see Rivera Decl., filed Jan. 15, 2026, Ex. A, RFA Nos. 1, 2, 3, 4, 5, 6, 13, 14, 23, 24, 25). "If a party gives lack of information or knowledge as a reason for a failure to admit all or part of a request for admission, that party shall state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable that party to admit the matter." (Code Civ. Proc., § 2033.220, subd. (c).) With respect to the requests where plaintiff claimed lack of information or knowledge, plaintiff's proposed response

[4] Attached to plaintiff's response is a purported verification from her attorney, which states in pertinent part: "I, Michael C. Guasco, am the attorney for Plaintiff Chanel Whalen, who is absent from the county in which I maintain my office. I have read the foregoing Responses to Requests for Production of Documents, Set One, on behalf of Chanel Whalen. The same are true and correct to the best of my knowledge, information, and belief." (Rivera Decl., filed Jan. 15, 2026, Ex. A.)

fails to state she made a reasonable inquiry. Thus, the court finds plaintiff did not serve a "substantially-compliant" proposed response prior to the hearing. Therefore, the court has no discretion but to grant the motion to deem matters admitted. (*Katayama v. Continental Investment Group* (2024) 105 Cal.App.5th 898, 905.)

Further, the court must impose a monetary sanction on the party or attorney, or both, whose failure to serve a timely response to requests for admission necessitated the motion (even though defendants did not expressly request a monetary sanction). (Code Civ. Proc., § 2033.280, subd. (c).) Without information indicating that it is plaintiff (as opposed to her attorney) who necessitated the instant motion, the court finds it appropriate to impose the monetary sanction against plaintiff's attorney in this case; the court finds that $500.00 is a reasonable sanction under the Civil Discovery Act.

TENTATIVE RULING # 3:

(A) <u>DEMURRER</u>: THE COURT, ON ITS OWN MOTION, STRIKES THE FIRST AMENDED COMPLAINT IN ITS ENTIRETY BECAUSE IT WAS NOT TIMELY FILED. (CODE CIV. PROC., § 436, SUBD. (b).) THE COURT SUSTAINS THE DEMURRER WITH LEAVE TO AMEND. PLAINTIFF SHALL FILE AND SERVE HER AMENDED PLEADING ON OR BEFORE FEBRUARY 6, 2026. FOR CLARITY, THE COURT DIRECTS PLAINTIFF TO ENTITLE HER AMENDED COMPLAINT THE "SECOND AMENDED COMPLAINT."

(B) <u>MOTION TO COMPEL RESPONSE TO FORM INTERROGATORIES (SET ONE)</u>: THE MOTION TO COMPEL IS GRANTED. PLAINTIFF SHALL SERVE A PROPERLY VERIFIED RESPONSE ON DEFENDANTS NO LATER THAN 30 DAYS FROM THE DATE OF SERVICE OF THE OF NOTICE OF ENTRY OF ORDER.

(C) <u>MOTION TO COMPEL RESPONSE TO SPECIAL INTERROGATORIES (SET ONE)</u>: THE MOTION TO COMPEL IS GRANTED. PLAINTIFF SHALL SERVE A PROPERLY VERIFIED RESPONSE ON DEFENDANTS NO LATER THAN 30 DAYS FROM THE DATE OF SERVICE OF THE OF NOTICE OF ENTRY OF ORDER.

(D) <u>MOTION TO COMPEL RESPONSE TO REQUEST FOR PRODUCTION (SET ONE)</u>: THE MOTION TO COMPEL IS GRANTED. PLAINTIFF SHALL SERVE A PROPERLY VERIFIED RESPONSE ON DEFENDANTS NO LATER THAN 30 DAYS FROM THE DATE OF SERVICE OF THE OF NOTICE OF ENTRY OF ORDER.

(E) <u>MOTION TO DEEM MATTERS ADMITTED</u>: THE MOTION TO DEEM MATTERS ADMITTED IS GRANTED. PLAINTIFF'S COUNSEL SHALL PAY DEFENDANTS A MONETARY SANCTION OF $500.00 WITHIN 30 DAYS FROM THE DATE OF SERVICE OF THE OF NOTICE OF ENTRY OF ORDER.

NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

4. VARVARO v. STATELINE BREWERY, LLC, ET AL., 24CV0605

(A) Plaintiff's Motion for Trial Preference

(B) Case Management Conference

On November 14, 2025, pursuant to Code of Civil Procedure section 36, subdivision (d), plaintiff Dawn Varvaro ("plaintiff") filed a motion for trial setting preference on the grounds that she suffers from stage IV breast cancer, as well as multiple sclerosis, raising substantial medical doubt of her survival beyond six months. Plaintiff is currently 57 years old and does not move for trial preference based on age under subdivision (a).

On January 12, 2026, defendants Cecils LLC and Stateline Brewery LLC (collectively "defendants") filed an untimely opposition (the deadline to electronically serve the opposition, as defendants did here, was January 7, 2026). (Code Civ. Proc., §§ 1005, subd. (b), 1013, subd. (e).) On January 16, 2026, plaintiff filed an untimely reply (the deadline to electronically serve the reply, as plaintiff did here, was January 13, 2026). (Code Civ. Proc., §§ 1005, subd. (b), 1013, subd. (e).) The court exercises its discretion to consider the untimely filings.

Code of Civil Procedure section 36 authorizes the court, in its discretion, to "grant a motion for preference that is accompanied by clear and convincing medical documentation that concludes that one of the parties suffers from an illness or condition raising substantial medical doubt of survival of that party beyond six months, and that satisfies the court that the interests of justice will be served by granting the preference." (Code Civ. Proc., § 36, subd. (d).)

Here, plaintiff submitted medical documentation establishing she suffers from stage IV breast cancer and multiple sclerosis. (See Smith Decl., Ex. A.) While the court is sympathetic to plaintiff's medical issues, the medical documentation submitted to the court does not raise substantial medical doubt plaintiff will survive beyond six months. There is no prognosis from plaintiff's medical provider; the declaration from plaintiff's

counsel stating she is "concerned" for plaintiff's health is insufficient to meet plaintiff's burden. The court, on its own motion and in the interest of justice, continues the matter to February 6, 2026, to allow plaintiff the opportunity to obtain additional medical documentation which addresses her prognosis; e.g., a declaration from her doctor(s).

TENTATIVE RULING # 4:

(A) <u>PLAINTIFF'S MOTION FOR TRIAL PREFERENCE</u>: THE COURT, ON ITS OWN MOTION AND IN THE INTEREST OF JUSTICE, CONTINUES THE HEARING ON PLAINTIFF'S MOTION FOR TRIAL PREFERENCE TO 1:30 P.M., FRIDAY, FEBRUARY 6, 2026, IN DEPARTMENT FOUR. PLAINTIFF SHALL FILE AND SERVE ANY ADDITIONAL MEDICAL DOCUMENTATION AND SUPPLEMENTAL BRIEFING NO LATER THAN JANUARY 30, 2026. DEFENDANTS SHALL FILE AND SERVE ANY SUPPLEMENTAL BRIEFING IN OPPOSITION NO LATER THAN FEBRUARY 4, 2026.

(B) <u>CASE MANAGEMENT CONFERENCE</u>: ON THE COURT'S OWN MOTION, THE CASE MANAGEMENT CONFERENCE IS CONTINUED TO 1:30 P.M., FRIDAY, FEBRUARY 6, 2026, IN DEPARTMENT FOUR.

NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

5. SEDANO, ET AL. v. MAND, 23CV0691

Motion for Final Approval of Class Action Settlement

Pending before the court is plaintiffs Tatiana Ramirez's and Andrei Stoica's (collectively, "plaintiffs") unopposed motion for final approval of class settlement. The court preliminarily approved the agreement on October 31, 2025.

1. Background

Defendant owns and operates the Quality Inn and Econo Lodge hotels in South Lake Tahoe, California.

Plaintiff Ramirez was employed in housekeeping at the Quality Inn and was sent to clean other apartments owned by defendant in South Lake Tahoe. Plaintiff Stoica was employed at the Econo Lodge as a front desk attendant beginning in 2017 and was sent to work at the Quality Inn for a brief time, as well as other properties owned by defendant in the area.

The operative complaint is the fifth amended complaint ("5AC"), which alleges causes of action for: (1) failure to pay wages; (2) failure to pay overtime wages; (3) failure to provide meal periods or wages in lieu thereof; (4) failure to provide rest breaks or wages in lieu thereof; (5) waiting time penalties; (6) failure to provide accurate wage statements; (7) reimbursement of expenses; (8) violation of the Unfair Competition Law; and (9) civil penalties pursuant to the Private Attorneys General Act ("PAGA"), Labor Code section 2699, et seq.

The 5AC seeks to certify a class defined as: "All non-exempt employees who work or have worked for Defendants within the State of California during the period starting within four years from the filing of the original complaint, through the final disposition of this action." (5AC, ¶ 22.) The original complaint was filed on May 5, 2023; thus, the proposed class period begins May 5, 2019.

Section II.P of the settlement agreement, entitled "Certification of Class Members," provides: "Defendant shall certify that the number of Class Members for the Settlement

Period does not exceed 55 Class Members. Should the number of Class Members exceed 55 by 10 percent or more Class Members, the gross settlement amount shall be increased by $14,500 per each additional Class Member." (*Ibid.*)

The motion for preliminary approval was based on a gross settlement amount of $800,000.00 with approximately 55 settlement class members. The instant motion for final approval alleges, "In preparing the class data, Defendant determined that there were ultimately seventy-two Class Members, which caused the escalator clause to kick in and increase the gross settlement to $959,500.00."[5] (Mtn. at 2:10–13 (citing Islas Decl., ¶ 15; Sutton Decl., ¶ 6).)

On November 18, 2025, the settlement administrator issued notice to the settlement class indicating the gross settlement fund is $974,000.00 and the estimated number of settlement class members is 55 (the class notice estimates 55 settlement class members even though the parties were aware that the actual number of settlement class members was higher, as the escalator clause had been triggered). The instant motion for final approval, however, claims a gross settlement fund of $959,500.00 and 71 settlement class members (plaintiffs allege they learned the 72nd person had previously settled their claim against defendant outside of the instant litigation).

To date, the settlement administrator has received no objections and no requests to opt out of the settlement.

The instant motion for final approval also seeks approval of: (1) attorney fees in the total amount of $319,833.34 (see Mtn. at 2:19); (2) attorney costs in the total amount of $12,870.57 (the court preliminarily approved costs up to $15,000.00); (3) settlement administration costs in the total amount of $4,000.00 (the court preliminarily approved

[5] It is unclear how plaintiffs calculate $959,500.00 ($159,500.00 more than the original gross settlement fund). Based on a figure of 72 settlement class members, the escalator clause would have increased the gross settlement fund by $246,500.00, for a total of $1,046,500.00 (17 additional members x $14,500.00 = $246,500.00).

this amount); and (4) PAGA penalties in the total amount of $10,000.00, with 65 percent going to the LWDA and 35 percent going to the PAGA class (the court preliminarily approved the PAGA award).

Counsel declares the workweek value of the settlement is $283.28 per workweek. (Sutton Decl., ¶ 4.) The average gross settlement award is $7,648.15 and the highest gross payment is $57,906.30. (Sutton Decl., ¶ 4.)

2. Legal Principles

"Before final approval, the court must conduct an inquiry into the fairness of the proposed settlement." (Cal. Rules Ct., R. 3.769, subd. (g).) The trial court has "broad discretion to determine whether the settlement is fair." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.) It should consider factors such as the strength of plaintiff's 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 state 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. (*Nordstrom Com. Cases* (2010) 186 Cal.App.4th 576, 581; *Dunk*, *supra*, at p. 1801.) But 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. [Citation.]" (*Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App.4th 224, 245.) In sum, the trial court must determine that the settlement was not the product of fraud, overreaching or collusion, and that the settlement is fair, reasonable, and adequate to all concerned. (*Nordstrom*, *supra*, at p. 581.)

The burden is on the proponent of a class action settlement to show that it is fair and reasonable, but there is a presumption of fairness when: (1) the settlement is reached through arm's-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the trial court to act intelligently; (3) counsel is experienced in

similar litigation; and (4) the percentage of objectors is small. (*Carter v. Los Angeles* (2014) 224 Cal.App.4th 808, 820.)

3. Discussion

3.1. Settlement Agreement

Plaintiff's original motion for preliminary approval (filed July 29, 2025) requested the court to approve a method of distribution where settlement class members who worked as "front desk employees" would have their workweeks count as double under the terms of the settlement agreement. The court questioned the fairness of this proposed method of distribution, as the court did not have information regarding the number of hours allegedly unpaid to front desk employees versus other employees, or how many estimated front desk employees were in the proposed class.

In a supplemental declaration filed October 20, 2025, plaintiffs informed the court that, after further consideration, the parties agreed not to count the front desk employees' workweeks as double for settlement purposes. Plaintiff submitted an amended settlement agreement to the court. (See Sutton Decl., filed Oct. 24, 2025, Ex. 2.)

3.2. Settlement Notice

Before a judge may grant final approval of the settlement of a class action, the judge must review the settlement notice to class members for compliance with due process. (*Martorana v. Marlin & Saltzman* (2009) 175 Cal.App.4th 685, 694.) The notice to class members should contain sufficient information to allow them to decide whether to accept the benefit they would receive under the settlement, or to opt out and pursue an individual claim. (*Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 56.) The notice is not required to provide information as to the size of the potential class or the contingencies on recovery in any particular amount (but the court notes that, in this case, the class notice did estimate the class size). (*Cellphone Fee Termination Cases* (2010) 186 Cal.App.4th 1380, 1392.)

On November 18, 2025, the settlement administrator mailed a class notice to the settlement class indicating the gross settlement amount is $974,000.00 and there are approximately 55 settlement class members. In the instant motion for final approval, plaintiff claims the gross settlement amount is $959,500.00 with 71 settlement class members.

An additional notice need not be given when changes are made that improve the settlement. (*Chavez*, *supra*, 162 Cal.App.4th at p. 56.) But in this case, since issuing notice to the settlement class on November 18, 2025, the gross settlement amount allegedly decreased by $14,500.00 and the number of settlement class members increased by 16. Thus, there is an issue of whether these changes would require additional notice to the settlement class members.

Significantly, however, it appears to the court that the parties have miscalculated the gross settlement fund under the escalator clause. Plaintiffs claim the actual number of settlement class members is 71, 16 more persons than the previous estimate of 55. Therefore, the escalator clause would result in an increase of $232,000.00 (16 x $14,500.00 = $232,000.00) to the gross settlement fund for a total of $1,032,000.00 (not $959,000.00, as plaintiffs claim).

Assuming the court's calculation of $1,032,000.00 is correct, that would represent an increase from the $974,000.00 figure presented in the class notice, potentially alleviating the requirement for additional notice to the settlement class.

3.3. Fairness

In ruling on the motion for preliminary approval, the court determined the proposed settlement was fair and reasonable. The fact that the number of settlement class members has increased (by 16), thereby triggering the escalator clause, on its own, would not cause the court to change its previous finding that the settlement is fair and reasonable. Of particular concern to the court, however, is the calculation of the increased amount under the escalator clause. Based on a figure of 71 settlement class

members, the escalator clause would result in an increase of $232,000.00 (16 x $14,500.00 = $232,000.00) to the gross settlement fund for a total of $1,032,000.00 (not $959,000.00, as plaintiffs claim)

3.4. Incentive Awards

Plaintiffs request final approval of incentive awards of $30,000.00, each, to both named plaintiffs, for a total of $60,000.00.

3.5. Attorney Fees

Plaintiffs request final approval of attorney fees in the total amount of $319,833.34 based on a gross settlement fund of $959,000.00 (as previously discussed, it appears to the court that the gross settlement amount should actually be $1,032,000.00).

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, JANUARY 23, 2026, IN DEPARTMENT FOUR AT WHICH TIME THE COURT WILL INQUIRE OF THE PARTIES REGARDING THE GROSS SETTLEMENT FUND CALCULATION.