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3 Tulare County Superior Court  
4 Visalia Division  
5 County Civic Center  
6 221 S Mooney Blvd.  
7 Visalia, Ca 93291  
8  
9 (559) 730-5000

**FILED**  
**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF TULARE**

**09/30/2024**

**STEPHANIE CAMERON, CLERK**  
Skye Woods, Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF TULARE**

11 **Nathan Verdugo**

12 Plaintiff

13 v.

14 **Bluescope Steel Americas LLC, Et. Al.**

15 Respondents

Case Nos. VCU292562

**RULING ON MOTION FOR FINAL  
APPROVAL OF CLASS ACTION AND  
PAGA SETTLEMENT**

Hearing Date: September 30, 2024  
Time: 8:30 AM  
Department: 7

18 This matter came on before this Court on the Motion for Final Approval of Class Action and PAGA  
19 Settlement on September 30, 2024, in Department 7. Appearing by Zoom were Plaintiffs' Counsel,  
20 Eduardo Santos and Defendants' Counsel, Todd Nunn.

21  
22 **Facts and Analysis**

23 Plaintiff's motion for final approval of class action settlement, attorneys' fees, costs, enhancement  
24 award, and class certification for settlement purposes came on for hearing on September 30, 2024.  
25 The Court finds and rules as follows:

26 On September 3, 2024, the settlement administrator CPT Group. Inc., through its Case Manager,  
27 filed a declaration detailing the following events.

1 On April 15, 2024, the administrator received a mailing list of 493 potential class members from  
2 Defendant's counsel with names, contact information, social security numbers and relevant  
3 employment information. On April 29, 2024, after the administrator processed the names through  
4 the National Change of Address Database and updated the list with any updated addresses located,  
5 the administrator sent class notice by mail. Of the fifteen (15) returned notices, ten (10) updated  
6 addresses were obtained. Therefore, five (5) notice packets have been deemed undeliverable.

7 Class members had sixty (60) days, until June 24, 2024, to submit objections, disputes and/or  
8 requests for exclusions. Zero (0) request for exclusion and zero (0) valid objections have been  
9 received from class members. Therefore, 493 class members or 100% of the class will participate in  
10 the settlement

11 The Court presumes the settlement is fair and reasonable given (a) that it was reached through arms-  
12 length bargaining at mediation, (b) that there was sufficient time for investigation and discovery  
13 since commencement of litigation on July 15, 2022 (c) class counsel have particularized experience  
14 with the claims at issue in the case, and (d) there appear to be zero disputes and zero objections.  
(*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4<sup>th</sup> 1794, 1802.)

15 The Court notes that the conditions of the escalator clause in the settlement agreement were met  
16 between the time of preliminary approval and this motion for final approval increasing the gross  
17 settlement sum from \$750,000 to \$750,354.31,

18 A net settlement amount of \$429,635.58 is available to pay to the class members in accordance with  
19 the terms of settlement, with an average individual share of at least \$853.66 per class member, and  
20 the highest estimated share of \$1,426.15.

21 The Court believes basic information about the nature and magnitude of the claims in question and  
22 the basis for concluding that the consideration being paid for the release of those claims represents  
23 a reasonable compromise under the circumstances, in accordance with *Kullar v. Foot Locker Retail,*  
24 *Inc.* (2008) 168 Cal.App.4<sup>th</sup> 116, 133. This case involved extensive informal and formal discovery  
25 and investigation of disputed claims, including review and analysis by Plaintiff's expert, as well as  
26 significant law and motion. The settlement avoids significant risks and delay that would result from  
27 further litigation of the case, which would include, amongst other matters, certification proceedings,  
28 trial, and the possibility of further delay and cost resulting from appeals. The parties reached the  
settlement after a full day mediation.

1 Class counsel has provided a declaration in further support of the requests for attorney fees  
2 representing 33.3% of the \$750,354.31 gross settlement amount or \$250,000. Adequate information  
3 has been provided for a lodestar analysis of the attorneys’ fees request.

4 Counsel indicates 366.7 hours incurred in this matter at a rates of \$950 to \$425 per hour, resulting  
5 in a lodestar of \$239,037.50. (Declaration of Perez ¶20.) The Court therefore approves the requests  
6 for fees with a 1.1 multiplier.

7 As to the costs, Plaintiffs seek \$16,218.73, which is below the \$20,000 preliminarily approved.  
8 Therefore, the costs are likewise approved.

9 The Court believes the requested attorney fees and costs appear reasonable under the circumstances.  
10 Additionally, counsel has provided a sufficient declaration to demonstrate adequate previous  
11 experience with class actions to further support the reasonableness of the award.

12 The settlement administrator has provided, in the declaration describing the work it has performed  
13 on the case, a value of services totaling \$9,500 which is less than the amount estimated in the motion  
14 for preliminary approval. The Court believes the amount requested as compensation for the  
15 administrator appears reasonable.

16 The Court approves distribution of unclaimed funds to the Justice Gap Fund (“JGF”) maintained by  
17 The State Bar of California, in accordance with Code of Civil Procedure section 384.

18 As to the representative enhancement payment, the Court notes that its February 26, 2024 ruling  
19 indicated that \$5,000 would be permitted, but that its March 15, 2024 ruling, in a chart, appeared to  
20 approve an enhancement payment of \$10,000 without comment or analysis. The March 15, 2024,  
21 amount in the chart was in error.

22 The Court routinely approves enhancement awards of \$5,000.00.

23 Enhancement payments “are fairly typical in class action cases.” (*Cellphone Termination Fee Cases*  
24 (2010) 180 Cal.App.4th 1110, 1393.) Enhancement payments “are intended to compensate class  
25 representatives for work done on behalf of the class, to make up for financial or reputational risk  
26 undertaken in bringing the action, and, sometimes, to recognize their willingness to act as a private  
27 attorney general.” (*Rodriguez v. West Publishing Corp.* (9th Cir. 2009) 563 F.3d 948, 958-959.)  
28 “[T]he rationale for making enhancement or incentive awards to named plaintiffs is that he or she  
should be compensated for the expense or risk he has incurred in conferring a benefit on other

1 members of the class.” (*Clark v. American Residential Services LLC* (2009) 175 Cal.App.4<sup>th</sup> 785,  
2 806.)

3 The Court approves, after hearing oral argument at the September 30, 2024 motion hearing, an  
4 enhancement payment of \$10,000.00.

5 Finally, the Court confirms its conditional certification of the settlement class. The Court finds no  
6 significant events have occurred that would cause it to change its prior determination that the  
7 settlement class met all requirements under Code of Civil Procedure section 382 for certification for  
8 settlement purposes at the time it granted Plaintiff’s motion for preliminary approval.

9 On review of the declarations and pleadings submitted, the Court finds, given the established  
10 presumption that the settlement is fair and reasonable under the circumstances of this case, and,  
11 particularly, given the absence of any objection or opposition following the class notice, that the  
12 settlement is fair and reasonable and that the motion for final approval should be, and is hereby,  
13 granted.

14 The approved deductions from the gross settlement amount of \$750,354.31 are approved as follows:

15	Approved Attorney Fees (33.3%):	\$250,000.00
16	Approved Attorney Costs (incurred):	\$16,218.73
17	Approved Enhancement Payment to Plaintiff:	\$10,000.00
18	Approved Settlement Administrator Costs	\$9,500.00
19	Proposed PAGA Penalties	\$40,000.00
20		
21	<b>Proposed Net Settlement Amount</b>	<b>\$424,635.58</b>

22  
23 The Court shall enter its order of final approval and judgment in this case on the proposed form,  
24 modified as to the above on page 4 of the proposed order as to the enhancement payment, submitted  
25 by Plaintiffs on September 3, 2024, and orders that notice of entry of judgment be given as provided  
26 in the judgment following entry thereof.

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**The Court finds as follows:**

Settlement is approved and matter is set for Final Compliance Hearing on March 31, 2024, Dept. 7,  
8:30 am.

Dated: 09/30/2024



A handwritten signature in black ink, appearing to read "Gary M. Johnson".

Hon. Gary M. Johnson  
Judge of the Superior Court