

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

<p>James Boley Plaintiff/Petitioner(s) VS. Cars Recon, Inc. Defendant/Respondent (s)</p>	<p>No. RG18921828 Date: 10/31/2024 Time: 10:00 AM Dept: 23 Judge: Michael Markman ORDER re: Hearing on Motion for Final Approval of Settlement</p>
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The Motion for Final Approval of Settlement filed by James Boley on 10/03/2024 is Granted.

BACKGROUND FACTS

This is a wage-and-hour class action. The parties agreed to settle the claims for \$150,000. The parties seek final approval of the settlement, approving \$45,000.00 in attorney’s fees; \$30,000.00 in litigation costs; a service payment of \$5,000.00 for the class representative; and settlement administration costs of \$10,000. The remaining amount is to be distributed among participating class members. The court previously granted preliminary approval.

LEGAL STANDARD

To prevent “fraud, collusion or unfairness to the class, the settlement or dismissal of a class action requires court approval.” (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1800.) A court “must determine the settlement is fair, adequate, and reasonable.” (*Id.* at p. 1801.) A “presumption of fairness exists where: (1) the settlement is reached through arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small.” (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 128 [quoting *Dunk, supra*, at p. 1801].)

DISCUSSION

In this case, the parties mediated and reached settlement after arm’s length negotiations, counsel conducted sufficient investigation and discovery to allow counsel and the court to act intelligently, and counsel cite significant experience in litigating class actions. (See generally Kim Decl.) The settlement administrator received no objections in response to the class notice. (See Cutler Decl., ¶ 11.) The motion is unopposed.

ORDER

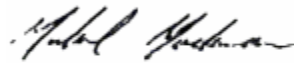
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Plaintiffs' motion for final approval is GRANTED. The court will enter the proposed order. A final compliance hearing is set for June 12, 2025 at 10:00 am in Department 23. Plaintiff must file a final report and declaration regarding distribution at least five (5) court days before the compliance hearing. Ten percent of the attorney's fee award must be held by the settlement administrator until completion of the distribution process and court approval of a final accounting. No appearances will be required if the report and declaration establish that the distributions are complete.

The Court orders counsel to obtain a copy of this order from the eCourt portal.

Dated : 10/31/2024



Michael Markman / Judge