

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

<p>Alfonso Ramirez-Vivar Plaintiff/Petitioner(s) VS. Grifols Diagnostic Solutions, INC. et al. et al Defendant/Respondent (s)</p>	<p>No. RG21089519</p> <p>Date: 07/18/2024 Time: 10:00 AM Dept: 23 Judge: Michael Markman</p> <p>ORDER re: Compliance Hearing; Hearing on Motion for Final Approval of Settlement filed by Alfonso Ramirez-Vivar (Plaintiff); Hearing on Motion for Attorney Fees filed by Alfonso Ramirez- Vivar (Plaintiff)</p>
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Prior to the hearing, the Court issued a tentative ruling, which was not contested. The matter was called in open court with no objections. The tentative is affirmed as set for below.

BACKGROUND FACTS

This is a wage-and-hour class action and PAGA representative action. Plaintiff Alfonso Ramirez-Vivar and defendants Grifols Diagnostic Solutions Inc. and Grifols Shared Services North America, Inc. have agreed to settle the class claims for a gross settlement amount of \$400,000.00, which includes up to \$164,240.00 in attorney’s fees; up to \$50,000.00 in costs and expenses incurred by counsel; a class representative enhancement of \$10,000.00; settlement administration costs of up to \$9,000.00, and \$25,000.00 in PAGA civil penalties (75% of penalties go to California Labor and Workforce Development Agency (LWDA) and 25% to aggrieved employees). The remaining amount is to be distributed among participating class members in proportion to the number of weeks worked during the period. The court granted preliminary approval of the settlement on March 21, 2024.

LEGAL STANDARD

ORDER re: Compliance Hearing; Hearing on Motion for Final Approval of Settlement filed by Alfonso Ramirez-Vivar (Plaintiff); Hearing on Motion for Attorney Fees filed by Alfonso Ramirez-Vivar (Plaintiff)

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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].)

Similarly, a “trial court should evaluate a PAGA settlement to determine whether it is fair, reasonable, and adequate in view of PAGA’s purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws.” (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77 [noting overlap of factors in class action analysis, “including the strength of the plaintiff’s case, the risk, the stage of the proceeding, the complexity and likely duration of further litigation, and the settlement amount”].)

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, counsel cites significant experience in litigating class actions, and the settlement administrator received no objections in response to the class notice. (See Perez Decl., ¶¶ 5, 7–13, 14–22; Cutler Decl., ¶ 7.) The motion is unopposed.

ORDER

Plaintiff’s motion is GRANTED. A final compliance hearing is set for March 27, 2025 at 10:00 am in Department 23. Plaintiff is ordered to file a final report and declaration regarding distribution at least five (5) court days before the compliance hearing. Class counsel shall hold 10% of the attorneys’ fees award in an interest-bearing account until the 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 Compliance Hearing scheduled for 07/18/2024 is continued to 03/27/2025 at 10:00 AM in Department 23 at Rene C. Davidson Courthouse .

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

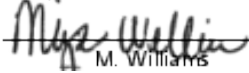
Dated : 07/18/2024

ORDER re: Compliance Hearing; Hearing on Motion for Final Approval of Settlement filed by Alfonso Ramirez-Vivar (Plaintiff); Hearing on Motion for Attorney Fees filed by Alfonso Ramirez-Vivar (Plaintiff)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
Rene C. Davidson Courthouse



Michael Markman / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 07/22/2024
PLAINTIFF/PETITIONER: Alfonso Ramirez-Vivar	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy M. Williams
DEFENDANT/RESPONDENT: Grifols Diagnostic Solutions, INC. et al. et al	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: RG21089519

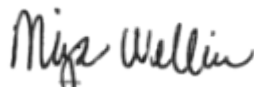
I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order re: Compliance Hearing; Hearing on Motion for Final Approval of Settlement filed by Alfonso Ramirez-Vivar (Plaintiff); Hearing on Motion for Attorney Fees filed by Alfonso Ramirez-Vivar (Plaintiff) entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

DANIEL J. MCQUEEN
ArentFox Schiff LLP
daniel.mcqueen@afslaw.com

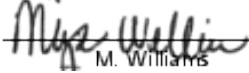
Chad Finke, Executive Officer / Clerk of the Court

Dated: 07/22/2024

By:



M. Williams, Deputy Clerk

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CERTIFICATE OF MAILING	CASE NUMBER: RG21089519

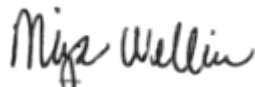
I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Brandon K. Brouillette
Capstone Law APC
1875 Century Park East,
Suite 1000
Los Angeles, CA 90067-

Chad Finke, Executive Officer / Clerk of the Court

Dated: 07/22/2024

By:



M. Williams, Deputy Clerk

CERTIFICATE OF MAILING