

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA**

Tentative Ruling

**2024CUOE020994: SERGIO DE LEON vs STG INTERNATIONAL INC
05/21/2025 in Department 43
Motion For An Order**

The morning calendar in courtroom 43 will normally begin at 8:45. Please arrive for your hearing no later than 8:30 a.m. The door will be opened before the calendar is called.

The Court allows appearances by CourtCall and Zoom. Refer to the Courtroom 43 webpage for more information about remote appearances. If appearing by CourtCall, call in no later than 8:30 a.m. If you wish to appear by CourtCall, you must make arrangements with CourtCall by 4:00 p.m. the court day before your scheduled hearing. Requests for approval of a CourtCall appearance made on the morning of the hearing will not be granted. No exceptions will be made.

For Zoom appearances, all counsel appearing by Zoom must email the court at Courtroom43@ventura.courts.ca.gov with a simultaneous copy to all other counsel/self-represented parties no later than 3:00 p.m. the court day before the hearing. INCLUDE THE PHRASE "ZOOM APPEARANCE ON (DATE OF HEARING)" IN THE SUBJECT LINE OF YOUR EMAIL. The email must identify the person who will make the appearance. You will receive the login information for your appearance in reply to your email. If appearing by Zoom, log into the hearing no later than 8:30 a.m. The Court will transfer you to the meeting room when your matter is called. Additional instructions can be found on the Courtroom 43 webpage. When you log in to Zoom, be sure that your name and the case name are used as your Zoom name. IF YOU DO NOT FOLLOW ALL OF THESE INSTRUCTIONS, YOU WILL NOT BE PERMITTED TO APPEAR BY ZOOM AT THE HEARING.

With respect to the tentative ruling below, no notice of intent to appear is required. If you wish to submit on the tentative ruling you can fax notice to Judge Coats's secretary, Ms. McIntyre at 805-477-5894, stating that you submit on the tentative. Or, you may email Courtroom43@ventura.courts.ca.gov with all counsel copied on the email. Do not call in lieu of sending a fax or email. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. If you are the moving party and do not advise the Court that you submit on the tentative, or you do not appear at the hearing, the Court may deny your motion irrespective of the tentative.

Unless stated otherwise at the hearing, if a formal order is required but not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a),

(b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

Motion: Plaintiff's Motion for an Order (1) Preliminarily Approving the Class Action Settlement; (2) Approving Notice of Class Action Settlement; and (3) Setting Hearing for Final Approval.

Tentative Ruling: Plaintiff's Motion for an Order (1) Preliminarily Approving the Class Action Settlement; (2) Approving Notice of Class Action Settlement; and (3) Setting Hearing for Final Approval is tentatively GRANTED as further stated below.

Plaintiff Sergio De Leon, on behalf of himself and all persons similarly situated, moves this Court pursuant to California Code of Civil Procedure § 382 and California Rule of Court 3.769 for the following orders:

(1) Preliminarily approving the class action settlement reached between Plaintiff and Defendant STG International, Inc. which is embodied in the Parties' Class Action and PAGA Settlement Agreement, including granting preliminary approval of the following class: all persons employed by Defendant in California and classified as a non-exempt hourly employee who worked for Defendant during the Class Period. The Class Period is the period from February 22, 2020, through October 24, 2024;

(2) Approving the form of Notice of Class Action Settlement and procedure for notice to the Class; and

(3) Setting the final approval hearing. Pursuant to Labor Code § 2699.3(b)(4), the Parties also seek approval of the proposed Settlement's allocation of funds to claims made under the Labor Code Private Attorneys General Act of 2004.

Proposed Settlement:

Gross Settlement Amount	\$625,000.00
Class Counsel Fees	(\$208,333.33)
Litigation Costs	(\$20,000.00)
Service Award to Plaintiff	(\$ 5,000.00)
Settlement Administration Costs	(\$ 7,500.00)
PAGA settlement	<u>(\$75,000.00)</u>
Net Settlement Amount	\$309,166.67

There are an estimated 300 potential class members in this case. The proposed class is defined as: "all persons employed by Defendant in California and classified as a non-exempt hourly employee who worked for Defendant during the Class Period. The Class Period is the period from February

22, 2020, through October 24, 2024.” If there are no exclusions from the Class and using a straight average for reference, each Class Member will potentially receive an average of \$1,030.56.

The Declaration of Enoch Kim establishes that there is an ascertainable class to be identified by reference to Defendant’s records. (Kim Dec. ¶ 12.) There is a commonality in the claims that predominate over individual questions as the case involved a determination of Defendant’s alleged Labor Code violations. Also, “[t]he Individual Class Payment is each Class Member’s share of the Net Settlement Amount and will be calculated and apportioned from the Net Settlement Amount based on the number of Workweeks a Class Member worked during the Class Period. (Exh. 1, ¶ 3.2.4, p. 6.). Additionally, the Parties agreed that the Individual Settlement Payment shall be allocated as follows: 10% as alleged unpaid wages subject to all applicable tax withholdings; and 90% as alleged unpaid interest and unpaid penalties. (Exh. 1, ¶ 3.2.4.1, p. 6.).” (Kim Dec., ¶ 18.)

The Declaration of Sergio De Leon demonstrates that his claims are typical of the class and that his interests align with the class members making him appropriate as the provisional class representative. In addition, the Declaration of Enoch Kim shows that he and his firm are appropriately designated as provisional class counsel. The settlement was reached following an arms-length mediation and appears to have factored the potential recovery and inherent risks association with continued litigation. Thus, Preliminary Approval of the Class Action Settlement is appropriate.

The Court requests clarification regarding addressing the subclasses that were pleaded in the Complaint, as well as the status of the related case (Los Angeles County 24STCV22606), and whether these issues affect this settlement.

With regard to the PAGA Settlement, notice was properly sent to the LWDA. (Kim Dec., Ex. 3.) No objection to the settlement has been filed by the LWDA. The amount allocated, \$75,000 of which 75% (\$56,250.00) will be paid to the LWDA and 25% (\$18,750.00) will be paid to the Aggrieved Employees based on the number of pay periods of each Aggrieved Employee during the PAGA Period. The amount allocated as penalties under PAGA is appropriate in this case.

Based on and subject to the foregoing, the Court finds that preliminary approval of the class action and PAGA settlement is appropriate and grants the motion.

The Court will discuss the scheduling of the final approval hearing with the parties.

Plaintiff has submitted a Proposed Order that will be signed by the Court.

Plaintiff is ordered to serve notice of the Court’s ruling.