

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**

Rene C. Davidson Courthouse

<p>VIVIAN HUYNH Plaintiff/Petitioner(s) VS. TECHNICAL SAFETY SERVICES, LLC Defendant/Respondent (s)</p>	<p>No. 23CV053505 Date: 09/18/2025 Time: 3:00 PM Dept: 20 Judge: Karin Schwartz  ORDER re: Hearing on Motion for Order Motion For Preliminary Approval of Class and PAGA Settlement; filed by VIVIAN HUYNH (Plaintiff) CRS# 870223389211 filed by VIVIAN HUYNH (Plaintiff) on 06/27/2025</p>
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The Motion for Preliminary Approval of Settlement filed by VIVIAN HUYNH on 06/27/2025 is Granted.

Plaintiff Vivian Huynh’s unopposed Motion for Preliminary Approval of Class and PAGA Settlement is GRANTED.

Plaintiff Vivian Huynh (“Plaintiff”) initiated this action on November 27, 2023. The operative First Amended Complaint (“FAC”) filed on May 2, 2025, alleges various Labor Code violations, including violation of the Private Attorneys General Act (“PAGA”) on behalf of Plaintiff and other similarly situated individuals against Defendant Technical Safety Services, LLC (“Defendant”). There are approximately 227 members of the class.

Following mediation in November 2024, the case preliminarily settled. On April 30, 2025, the parties executed a Joint Stipulation of Class Action and PAGA Settlement (“Settlement”). (Declaration of Alexandra Rose (“Rose Dec.”) Exh. 3.) The case preliminarily settled for a total amount of \$500,000. (Settlement ¶ 9(p).) Plaintiff’s counsel requests attorneys’ fees of one-third, i.e., \$166,666.67 of \$500,000), costs and expenses of \$26,000. (*Id.* ¶ 12.) The Settlement further provides for a Class Representative Enhancement Payment of \$5,000, a PAGA payment of \$50,000, and settlement administration costs of no more than \$7,000. (*Id.* ¶¶ 13-15.)

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After expenses, the net settlement amount to be paid to class members is estimated to be \$245,333.33.) (Rose Dec. ¶ 14.) The net settlement amount would be paid on a pro rata share based on their number of workweeks. (Settlement ¶¶ 9(kk), 17.) Twenty-five percent of the PAGA payment, \$12,5000, would be distributed to current and former non-exempt employees who worked for Defendant in California during the PAGA Period. (*Id.* ¶¶ 9(z), 14.) The PAGA period is September 19, 2022 through January 24, 2025. (*Id.* ¶ 9(z).) Class counsel shall notify the LWDA of the settlement. (*Id.* ¶ 25.)

The proposed class notice form and procedure are adequate.

The proposed procedures to request exclusion/opt out and objections to the Settlement are adequate. (Settlement ¶¶ 29-30.)

The proposed class is appropriate for class certification.

The motion makes an adequate analysis as required by *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116 for approval of the class settlement.

The scope of the release for the class is appropriate. (Settlement ¶ 38.) The Settlement limits Plaintiff and all Settlement Class Members release to the Released Class Claims. (*Id.*, ¶¶ 9(dd), 38.) The release of claims by the class is limited by the “factual predicate rule” to those claims. (*Hesse v. Sprint Corp.* (9th Cir. 2010) 598 F.3d 581, 590.) The parties have separated the release of class claims and the release of PAGA claims by Plaintiff and the State of California. (*Id.* ¶¶ 9(ee) 39.)

Unclaimed funds are to be paid to the Children’s Advocacy Institute pursuant to C.C.P. § 384. The Court approves this on this motion.

The Court will not approve the amount of attorneys’ fees and costs until the final approval hearing. The Court cannot award attorneys’ fees without reviewing information about counsel’s hourly rate and the time spent on the case. (*Robbins v. Alibrandi* (2005) 127 Cal.App.4th 438, 450-451.)

“Because absent class members are not directly involved in the proceedings, oversight to ensure settlements are fair and untainted by conflict is the responsibility of both the class representative and the court.” (*Mark v. Spencer* (2008) 166 Cal.App.4th 219, 227.)

“In any class action there is always the temptation for the attorney for the class to recommend settlement on terms less favorable to his clients because a large fee is part of the bargain. ... [T]horough judicial review of fee applications is required in all class action settlements and the fairness of the fees must be assessed independently of determining the fairness of the substantive settlement terms.’ ... “The evil feared in some settlements-unscrupulous attorneys negotiating large attorney’s fees at the expense of an inadequate settlement for the client-can best be met by a careful ... judge, sensitive to the problem, properly evaluating the adequacy of the settlement

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for the class and determining and setting a reasonable attorney's fee....” (*Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 555-556.)

Counsel seeks 1/3 fees. The Court sets out its standard analysis below. Counsel may address that analysis in the fee application.

The Ninth Circuit's benchmark is 25%. (*Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495.) When using the percentage of recovery approach, his court's benchmark for fees is 30% of a total fund. (*Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495; *Schulz v. Jeppesen Sanderson, Inc.* (2018) 27 Cal.App.5th 1167, 1175; *Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 557 fn 13; *Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 66 n. 11.)

When cross-checking with the lodestar/multiplier, the court will evaluate the lodestar based on reasonable fees that would have been charged at hourly rates and then apply a multiplier. The multiplier includes contingent fee risk and other factors.

When considering risk, the court considers there is less risk in a case with fee shifting statutes because counsel's potential fees are not limited by and coupled to the monetary recovery. “The law does not mandate ... that attorney fees bear a percentage relationship to the ultimate recovery of damages in a civil rights case.” (*Harman v. City and County of San Francisco* (2007) 158 Cal.App.4th 407, 419.) (*See also Heritage Pacific Financial, LLC v. Monroy* (2013) 215 Cal.App.4th 972, 1006-1007.)

The Court will not decide the amount of any service award until the final approval hearing. Plaintiff must provide evidence regarding the nature of the participation of the class representative in the action, including a description of his specific actions and the amount of time he committed to the prosecution of the case. (*Clark v. American Residential Services, LLC* (2009) 175 Cal.App.4th 785, 804-807.)

The Court ORDERS that 10% of any fee award to be kept in the administrator's trust fund until the completion of the distribution process and Court approval of a final accounting.

The Court will set a compliance hearing after the completion of the distribution process and the expiration of the time to cash checks for counsel for Plaintiff and the Administrator to comply with C.C.P. 384(b) and to submit a summary accounting how the funds have been distributed to the class members and the status of any unresolved issues. If the distribution is completed, the Court will at that time release any hold-back of attorney fees.

The Court will sign the proposed order, with the insertion of March 18, 2026, 3:00 PM in Paragraph 13 as the date for the hearing for Final Approval of Settlement. Plaintiff must obtain a reservation for a hearing on this date. The motion for final approval shall be filed and served no later than February 23, 2026.

The Court SETS a Compliance Hearing for February 11, 2026 at 3:00 P.M. in Department 20.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**  
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Compliance Hearing Re: Filing Motion for Final Approval of Settlement is scheduled for 02/11/2026 at 03:00 PM in Department 20 at Rene C. Davidson Courthouse.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

Dated : 09/18/2025



Karin Schwartz / Judge

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	<b>FILED</b> Superior Court of California County of Alameda 09/19/2025
PLAINTIFF/PETITIONER: VIVIAN HUYNH	Chad Finke, Executive Officer / Clerk of the Court By: <u><i>D. Kinney</i></u> Deputy
DEFENDANT/RESPONDENT: TECHNICAL SAFETY SERVICES, LLC	D. Kinney
<b>CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</b>	CASE NUMBER: 23CV053505

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: Hearing on Motion for Order Motion For Preliminary Approval of Class and PAGA Settlement; filed by VIVIAN HUYNH (Plaintiff) CRS# 870223389211 filed by VIVIAN HUYNH (Plaintiff) on 06/27/2025 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.

Jonathan M. Genish  
Blackstone Law, APC  
jgenishi@blackstonepc.com

Stephen Charles Franz  
Davis Wright Tremaine LLP  
stephenfranz@dwt.com

Dated: 09/19/2025

Chad Finke, Executive Officer / Clerk of the Court

By:

*D. Kinney*

D. Kinney, Deputy Clerk