

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

**23CV053505: HUYNH vs TECHNICAL SAFETY SERVICES, LLC
09/18/2025 Hearing on Motion for Order Motion For Preliminary Approval of Class and
PAGA Settlement; filed by VIVIAN HUYNH (Plaintiff) CRS# 870223389211 in
Department 20**

Tentative Ruling - 09/16/2025 Karin Schwartz

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.)

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.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

**23CV053505: HUYNH vs TECHNICAL SAFETY SERVICES, LLC
09/18/2025 Hearing on Motion for Order Motion For Preliminary Approval of Class and
PAGA Settlement; filed by VIVIAN HUYNH (Plaintiff) CRS# 870223389211 in
Department 20**

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 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.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

**23CV053505: HUYNH vs TECHNICAL SAFETY SERVICES, LLC
09/18/2025 Hearing on Motion for Order Motion For Preliminary Approval of Class and
PAGA Settlement; filed by VIVIAN HUYNH (Plaintiff) CRS# 870223389211 in
Department 20**

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.

If a party does not timely contest the foregoing Tentative Ruling and appear at the hearing, the Tentative Ruling will become the order of the court.

HOW DO I CONTEST A TENTATIVE RULING?

THROUGH ECOURT

Notify the Court and all the other parties no later than 4:00 PM one court day before the scheduled hearing, and briefly identify the issues you wish to argue through the following steps:

1. Log into eCourt Public Portal
2. Case Search
3. Enter the Case Number and select "Search"
4. Select the Case Name

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

**23CV053505: HUYNH vs TECHNICAL SAFETY SERVICES, LLC
09/18/2025 Hearing on Motion for Order Motion For Preliminary Approval of Class and
PAGA Settlement; filed by VIVIAN HUYNH (Plaintiff) CRS# 870223389211 in
Department 20**

5. Select the Tentative Rulings Tab
6. Select "Click to Contest this Ruling"
7. Enter your Name and Reason for Contesting
8. Select "Proceed"

BY EMAIL

Send an email to the DEPARTMENT CLERK and all the other parties no later than 4:00 PM one court day before the scheduled hearing. This will permit the department clerk to send invitations to counsel to appear remotely.

BOTH ECOURT AND EMAIL notices are required.