

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

CHRISTOPHER VANDYCKE et al Plaintiff/Petitioner(s) VS. PACIFIC COAST SUPPLY, LLC Defendant/Respondent (s)	No. 23CV027855  Date: 10/09/2025 Time: 10:00 AM Dept: 23 Judge: Michael Markman  ORDER re: Hearing on Motion - Other Motion for Preliminary Approval of Class Action and PAGA Settlement; filed by CHRISTOPHER VANDYCKE (Plaintiff) + CRS# 670719292593 filed by CHRISTOPHER VANDYCKE (Plaintiff); JOHN E. SMITH (Plaintiff); MICHAEL TAPIA (Plaintiff) on 08/12/2025
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The Motion for Preliminary Approval of Settlement filed by CHRISTOPHER VANDYCKE, MICHAEL TAPIA, JOHN E. SMITH on 08/12/2025 is Granted.

## **BACKGROUND**

This is a consolidated wage-and-hour class action and PAGA representative action. Plaintiffs Christopher Vandycke, John E. Smith, and Michael Tapia and Defendant Pacific Coast Supply, LLC have agreed to settle the claims for \$900,000.00, which includes an attorney's fee award of up to \$315,000.00; reimbursement of Plaintiffs' litigation costs up to \$40,000.00; an enhancement award of up to \$15,000.00 for each representative plaintiff; settlement administration costs of up to \$22,000.00; and \$150,000.00 in PAGA civil penalties, 75% of which go to California's Labor and Workforce Development Agency (LWDA) and 25% to aggrieved employees. The remaining settlement funds are to be distributed among participating

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class members on a pro rata basis.

## **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.) The Court “must determine the settlement is fair, adequate, and reasonable.” (*Id.* at p. 1801.) “The well-recognized factors that the trial court should consider in evaluating the reasonableness of a class action settlement agreement include ‘the strength of plaintiffs’ case, the risk, expense, complexity and likely duration of further litigation, the risk of maintaining class action status through trial, the amount offered in settlement, the extent of discovery completed and stage of the proceedings, the experience and views of counsel, the presence of a governmental participant, and the reaction of the class members to the proposed settlement.’” (*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”].)

## **PRELIMINARY APPROVAL**

Plaintiffs’ counsel investigated and obtained information from Defendant, analyzing class member timecard and payroll data and the policies contained in Defendant’s Employee Handbook. (Blanchard Decl., ¶¶ 24–26.) The parties settled after participating in an arm’s length mediation with a professional mediator. (*Id.*, ¶ 23.) Plaintiff includes an adequate *Kullar* analysis, providing a reasonable estimate of the number of class members, the total estimated possible recovery, and an explanation why the settlement was reasonable in light thereof. (See *id.*, ¶¶ 27–40.) The court gives “considerable weight to the competency and integrity of counsel and the involvement of a neutral mediator in assuring itself that a settlement agreement represents an arm’s length transaction entered without self-dealing or other potential misconduct.” (*Kullar, supra*, 168 Cal.App.4th at p. 129.) The terms of the settlement and notice procedures appear generally fair, reasonable, and adequate. The parties certain terms of the agreement and notice at the court’s request. (Se Supp. Blanchard Decl., filed Oct. 1, 2025.)

## **SERVICE AWARD, FEES, & COSTS**

The court will not rule on the incentive award for the representative plaintiff, attorney’s fees, or costs until final approval but provides the following preliminary guidance:

Any incentive, enhancement, or service award must be supported with “quantification of

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time and effort expended on the litigation, and in the form of reasoned explanation of financial or other risks incurred by the named plaintiffs.” (*Clark v. Am. Residential Servs. LLC* (2009) 175 Cal.App.4th 785, 807.) This court is unlikely to approve an award of more than \$7,500.00 absent special circumstances.

This court’s benchmark for attorney’s fees is 30%. (See *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 fn 11.) A “court approving a settlement that includes a negotiated fee [] is required to decide if the fee negotiated by the parties closely approximates the value of the attorneys’ work.” (*Robbins v. Alibrandi*, 127 Cal.App.4th 438, 452.) Counsel must address the value of the attorneys’ work, as well as the justification for any deviation from this court’s benchmark. 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.

The settlement agreement authorizes reimbursement of litigation costs. Counsel must provide evidentiary support for the actual costs incurred at the time of final approval.

The court’s preference is for Plaintiffs to move for final approval, including approval of attorneys’ fees, costs, and Plaintiffs’ enhancement awards, in a single motion.

## **ORDER**

Plaintiff’s motion for preliminary approval of class action settlement is GRANTED. The court will enter the proposed order submitted on October 1, 2025.

The parties proposed February 12, 2026 for the final approval hearing, but that is a court holiday. A final approval hearing will be held on February 19, 2026 at 10:00 am in Department 23. The moving party may obtain a reservation number from the clerk.

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

Dated : 10/09/2025



Michael Markman / Judge

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<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 10/09/2025 Chad Finke, Executive Officer / Clerk of the Court By: <u>D. Kinney</u> Deputy D. Kinney
PLAINTIFF/PETITIONER: CHRISTOPHER VANDYCKE et al		
DEFENDANT/RESPONDENT: PACIFIC COAST SUPPLY, LLC		
<b>CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</b>		CASE NUMBER: 23CV027855

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 - Other Motion for Preliminary Approval of Class Action and PAGA Settlement; filed by CHRISTOPHER VANDYCKE (Plaintiff) + CRS# 670719292593 filed by CHRISTOPHER VANDYCKE (Plaintiff); JOHN E. SMITH (Plaintiff); MICHAEL TAPIA (... 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  
jgenish@blackstonepc.com

Dated: 10/09/2025

Chad Finke, Executive Officer / Clerk of the Court

By:

D. Kinney

D. Kinney, Deputy Clerk