



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE**

<p><b>Mendoza, Miguel</b> Plaintiff/Petitioner,</p> <p>vs.</p> <p><b>Valmetal Tulare, Inc.</b> Defendant/Respondent.</p>	<p>Jud. Officer: <b>Gary Johnson</b> Clerk: <b>Skye Woods</b> Bailiff: <b>A Gonzales</b> CSR: <b>Aarika Pires</b> Interpreter: Language:</p>
<p>Minutes: 1) <b>Motion Hearing - Other</b> 2) <b>Case Management Conference</b> Date: <b>September 29, 2025</b></p>	<p>Case No. <b>VCU315822</b> <b>Department 07</b></p> <p>Related Cases:</p>

- Appearances:  No Appearances
- Party: \_\_\_\_\_
  - Remote Appearance
  - Party: \_\_\_\_\_
  - Remote Appearance
  - Party: \_\_\_\_\_
  - Remote Appearance
  - Other: \_\_\_\_\_
  - Remote Appearance

- Attorney: \_\_\_\_\_
- Remote Appearance
- Attorney: \_\_\_\_\_
- Remote Appearance
- Attorney: \_\_\_\_\_
- Remote Appearance

- Court makes interpreter findings on the record pursuant to GC 68561(g)/GC 68561(f)
- No court reporter was available for today's proceedings.
- Case called at 8:53 a.m. No appearances.

**Motion:** Motion for Preliminary Approval of Class Action and PAGA Settlement

- No requests for oral argument presented.

**ORDER: The Court adopts the Tentative Ruling as the Order of the Court as follows:**

To grant the motion without modification; to set the motion for final approval April 13, 2026, 8:30 am, Dept. 7.

**1. Sufficiency of Amount of Settlement (Net Estimated: \$366,260)**

The gross settlement amount is \$625,000.00 Plaintiff estimates approximately 188 proposed Class Members, providing an estimated average payout of \$1,948.19 per member.

The Class Members consist of:

All current and former non-exempt employees of Valmetal Tulare, Inc. in California who worked for Valmetal Tulare, Inc. at any time from December 6, 2020 through February 1, 2025 (the "Class Period")

The Aggrieved Employees consist of:

Inc. in California who worked for Valmetal Tulare, Inc. at any time from December 6, 2023 through February 1, 2025. (the "PAGA Period")

Plaintiff primarily alleged the following violations: 1) minimum wage and overtime violations premised on an unlawful rounding policy; (2) meal and rest period violations premised on interrupted breaks; (3) failure to pay all agreed-upon wages includes bonus wages accrued and regular rate miscalculations leading to underpaid overtime, sick time, and premiums; (4) wage statement violations and failure to maintain required records; (5) failure to reimburse business necessary business expenses; and (6) civil penalties under PAGA. Further, Plaintiff intends to file a Second Amended Class and Representative Action Complaint ("SAC") to allege additional causes of action for meal period violations, rest period violations, and waiting time penalties, which were expressly valued and negotiated as part of settlement.

Plaintiff provide estimates of the maximum recovery for each of the asserted wage and hour claims and penalties with information showing how the estimates were calculated including the damages models utilized. (Declaration of Brown ¶¶ 14 – 22.) The total estimated maximum recovery in the event of an outright victory is \$6,340,293.00.

Plaintiff has provided a detailed discussion of the value of each claim, applied various discount rates regarding the chance of success as to each claim which corresponds to the final gross settlement amount. Counsel estimates a potential recovery of approximately \$791,622 and therefore the proposed settlement of \$625,000 represents approximately 66% of this reasonably forecasted figure. (Declaration of Brown. ¶22.)

After agreeing to participate in early mediation, Defendants informally produced time and pay records for Settlement Class members, key class data points, and other documents and information relevant to the claims alleged in advance of mediation. The parties reached the settlement after a full day mediation.

The Court finds the information provided in support of the gross settlement amount sufficient for the Court to preliminarily approve the gross settlement amount, as the settlement amount appears to be within the recognized range of reasonableness given the claims and defenses asserted in this case.

Plaintiff's deductions from the gross settlement of \$625,000 are proposed as follows:

Proposed Court Approved Attorney Fees (35%):	\$218,750
Proposed Attorney Costs (Expended):	\$15,000
Proposed Enhancement Payment to Plaintiff:	\$5,000
Proposed Settlement Administrator Costs	\$6,690
Proposed Total PAGA Payment	\$13,0000
<b>Proposed Net Settlement Amount</b>	<b>\$366,260</b>

## 2. Class Notice

The settlement agreement provides no claim form will be required of class members to participate in distributions. Only those wishing to object or opt out must file notice with the settlement administrator. Objections or opt out notices are to be made within 60 days. The Court regularly approves notice periods of 60 days or longer. The class notice period is approved.

With respect to the content of the Notice, the Court finds the Class Notice to be reasonable. It clearly provides to the class member an estimate of the settlement share the employee is to receive and provides adequate instructions for any class member to opt out of the settlement or to submit an objection.

## 3. Enhancement Awards to Class Representative

The Court preliminarily approves Plaintiff Miguel Mendoza as Class Representative for purposes of settlement only. The proposed enhancement award to Plaintiff is \$5,000. The Court has, in past cases, approved enhancement awards of \$5,000 routinely. The Court will approve the enhancement award of \$5,000 as requested.

#### **4. Attorneys' Fees and Costs**

Attorneys' fees of 35% of the gross settlement fund of \$650,000 or \$218,750 and costs not to exceed \$15,000 are sought by Plaintiff's counsel.

Counsel has utilized the percentage of common fund methodology as well as provided adequate lodestar information to evaluate the reasonableness of the fee request.

Here, Counsel indicates the firm has spent 237 hours on this case, at rates ranging between \$948 and \$581 per hour, providing a base lodestar of \$200,216. (Declaration of Brown ¶¶23, 25.) In order to award the amount requested, the Court would need to apply a multiplier of approximately 1.1. The Court regularly applies a lodestar multiplier of up to 1.5 and therefore approves the attorneys' fees as requested.

Counsel has also provided the current costs expended in amounts of \$14,069.41. (Declaration of Brown ¶25)The Court preliminarily approves costs not to exceed \$15,000.

The Court further finds that Plaintiff's counsel are experienced class action attorneys through the declarations of counsel.

#### **5. Claims Administrator**

The court preliminarily approves Apex Settlement Administrators, LLC as the claims administrator for this class action based both on prior experience with this settlement administrator in other class actions litigated in this court and on the Declaration of Sean Hartranft, Chief Executive Officer for Apex. The Court preliminarily approves administration costs not to exceed \$6,990 based upon the Declaration of Hartranft and the itemized estimate. (Declaration of Hartranft – Exhibit B.)

#### **6. Unclaimed Settlement Proceeds**

The court preliminarily approves the distribution of unclaimed settlement proceeds to Boys & Girls Clubs of the Sequoias, in accordance with Code of Civil Procedure section 384.

#### **7. Release**

The Court finds the proposed release of claims reasonable under the circumstances.

#### **8. LWDA Notice**

Counsel's declaration indicates confirmation from the LWDA of receipt of proof of submission of the proposed settlement agreement. (Lab. Code, § 2699, subd. (l)(2).) (Declaration of Brown ¶ 27 – Exhibit F.)

#### **9. Class Certification**

Code of Civil Procedure section 382 permits certification "when the question is of a common or general interest, of many persons, or when the parties are numerous, and it is impracticable to bring them all before the court." (Code Civ. Proc. § 382.) The plaintiff bears the burden of demonstrating that class certification under section 382 is proper. (See *City of San Jose v. Superior Court* (1974) 12 Cal.3d 447, 460.) To do so, "[t]he party advocating class treatment must demonstrate the existence of an ascertainable and sufficiently numerous class, a well-defined community of interest, and substantial benefits from certification that render proceeding as a class superior to the alternatives." (*Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th 1004, 1021.)

Here, the Motion and accompanying declaration of Counsel sufficiently sets forth the basis for finding the class is numerous and ascertainable as 188 employees have been identified through Defendant's employment records. Additionally, common questions of law and fact predominate within the individual causes of action based on class wide policies and procedures of Defendant. Further, the class representative, through their declaration, indicates they will adequately and fairly represent the Class Members and will not place their interests above any Class Member. The Class Representative was employed by Defendant during the relevant time period and thus worked under the same policies and procedures as the Class Members.

Accordingly, the motion to preliminarily approve the Class Action and PAGA settlement is granted as requested without modification.

The Court sets the motion for final approval April 13, 2026, 8:30 am, Dept. 7.

If no one requests oral argument, under Code of Civil Procedure section 1019.5(a) and California Rules of Court, rule 3.1312(a), no further written order is necessary. The minute order adopting this tentative ruling will become the order of the court and service by the clerk will constitute notice of the order.

- Case Management Conference continued to April 13, 2026 at 8:30 a.m. in Department 7.
- Clerk to provide notice to parties by mail.