

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

Gordon D. Schaber Superior Court, Department 23

JUDICIAL OFFICER: HONORABLE JILL H. TALLEY

Courtroom Clerk: T. Shaddix
Court Attendant: M. Aria

CSR: None

25CV004768

January 9, 2026
9:00 AM

MORA, et al.

vs

**ENGLISH GARDEN CARE, INC., A CALIFORNIA
CORPORATION, et al.**

MINUTES

APPEARANCES:

No Appearances

**NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Approval of
Settlement**

There being no request for oral argument, the Court affirmed the tentative ruling.

The Court affirmed the tentative ruling.

TENTATIVE AFFIRMED

Plaintiff Jose E. Mora, Jr.'s ("Plaintiff") motion for preliminary approval of class action and Private Attorneys General Act ("PAGA") action settlement is UNOPPOSED and GRANTED as follows.

Overview

On February 26, 2025, Plaintiff initiated this wage and hour class action against Defendant English Garden Care, Inc. ("Defendant"). On April 30, 2025, Plaintiff filed a first amended complaint to add a representative claim under PAGA. Plaintiff alleges the following causes of action: (1) failure to pay minimum wages; (2) failure to pay overtime compensation; (3) failure to provide meal periods; (4) failure to authorize and permit rest periods; (5) failure to indemnify necessary business expenses; (6) failure to timely pay final wages at termination; (7) failure to provide accurate itemized wage statements; (8) unfair business practices; and (9) civil penalties under PAGA.

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The Parties engaged in informal discovery. (Moon Decl. ¶ 19.) Defendant produced its handbook and a 20% sampling of time and pay records. (*Ibid.*) On July 22, 2025, the Parties participated in a mediation with Doug Leach and reached a settlement. (*Id.* at ¶ 28.) The Parties thereafter negotiated and entered into a written settlement agreement. This motion was initially set for October 31, 2025, but the Court continued the hearing after identifying issues related to the class member and aggrieved employee releases; as well as a concern related to an injunction provision in the proposed order. On December 8, 2025, Plaintiff submitted an amended settlement agreement and proposed order that addressed the Court’s concerns by revising the releases and removing the injunction provision. (Supplemental Moon Decl. Ex. 4 (“Amended Agreement”) and Ex. 7 (“Amended Proposed Order”).) Plaintiff seeks preliminary approval of this class and representative settlement. This ruling incorporates by reference the definitions in the Agreement and all capitalized terms defined therein shall have the same meaning in this ruling as set forth in the Agreement.

Settlement Class Certification

Plaintiff seeks certification of the following settlement class: all persons who were employed by Defendant as an hourly, non-exempt employee at any time from February 26, 2021 to September 22, 2025. (Amended Agreement ¶¶ 1.5 & 1.12.) There are approximately 194 Class Members and the Parties have stipulated to class certification for settlement purposes. (*Id.* at ¶¶ 4.1 & 12.1) The Court finds, based on the moving papers, Plaintiff has established the requisites for class certification. Accordingly, the Court preliminarily certifies the proposed class for settlement purposes.

Aggrieved Employees

Aggrieved Employees are defined in the Amended Agreement as: all persons who were employed by Defendant as an hourly, non-exempt employee at any time from February 23, 2024 to September 22, 2025. (Amended Agreement ¶¶ 1.4 & 1.31.) Aggrieved Employees will receive their share of the PAGA penalty regardless of whether they opt out of the settlement’s class component. (*Id.* at ¶ 7.5.4 & attached Amended Class Notice.) Plaintiff’s counsel gave notice of the Amended Agreement to the Labor and Workforce Development Agency. (Supplemental Moon Decl. Ex. 5.)

Class Representative

The Court preliminarily appoints Plaintiff as Class Representative for settlement purposes only.

Class Counsel

The Court preliminarily appoints Moon Law Group, PC as Class Counsel for settlement purposes only.

Settlement Administrator

The Court approves Apex Class Action as the administrator.

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Fair, Adequate and Reasonable Settlement

The Court must find a settlement is “fair, adequate, and reasonable” before approving a class action settlement. (*Wershba v. Apple Computer* (2001) 91 Cal.App.4th 224, 244-245.) The trial court has broad discretion to determine whether a proposed settlement in a class action is fair, adequate, and reasonable. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.) “[A] presumption of fairness exists where: (1) the settlement is reached through arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small.” (*Id.* at 1802.) In making its fairness determination, the Court considers the strength of the Plaintiffs’ case, the risk, expenses, 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 the state of the proceedings, and the experience and views of counsel. (*Id.* at 1801.) In approving a class action settlement, the Court must “satisfy itself that the class settlement is within the ‘ballpark’ of reasonableness.” (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 133.)

Defendant will pay the Gross Settlement Amount (“GSA”) of \$375,00. (Agreement ¶ 3.1.) Defendant will separately pay any employer-side payroll taxes owed on the wage portion of class payments. (*Ibid.*) The following will be paid out of the GSA: (1) a service payment to Plaintiff of up to \$10,000; (2) attorneys’ fees equaling up to one-third of the GSA (\$125,000) and litigation costs not to exceed \$15,000 to Class Counsel; (3) settlement administration costs not to exceed \$6,490 absent good cause; (4) a PAGA penalty of \$20,000 (65% of which will be paid to the LWDA and 35% of which will be paid to Aggrieved Employees); and (5) individual class member payments. (*Id.* at ¶¶ 3.2.1-3.2.5.)

For tax purposes, individual class member payments will be treated as follows: 10% wages and 90% interest and penalties. (Agreement ¶ 3.2.4.1.) PAGA payments will be treated entirely as penalties. (*Id.* at ¶ 3.2.5.2.) Class Members have 60 days to respond to the Class Notice. (*Id.* at ¶ 1.43.) Any funds from settlement checks that remain uncashed after 180 days will be sent to the California Unclaimed Property Fund in the payee’s name. (*Id.* at ¶¶ 4.4.1 & 4.4.3.) The average estimated individual gross recovery is \$1,023.25. (Moon Decl. ¶ 31.)

Disposition

The Court preliminarily finds that all relevant factors support preliminary approval. (*Dunk*, supra, 48 Cal.App.4th at 1802.) The papers demonstrate the settlement was reached after arms-length bargaining between the parties and was reached after sufficient discovery and negotiations, which allowed the parties, and therefore, this Court, to act intelligently with respect to the settlement. Class Counsel conducted an investigation into the facts and law and issues in this case, including the exchange of discovery and the review of relevant information. The settlement appears to be within the “ballpark of reasonableness.” (Moon Decl. ¶¶ 54-78.) Therefore, the motion is granted. The Court also approves the proposed Amended Class Notice. The Amended Notice shall be disseminated as provided in the Amended Agreement. **Plaintiff is directed to separately lodge a copy of the amended proposed order attached to the**

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Supplemental Moon Declaration as Exhibit 7 for the Court's signature.

The Final Approval Hearing will take place on June 12, 2026, at 9:00 a.m. in this Department. Plaintiff must include any request for attorneys' fees, costs, and the service award in the final approval motion, *not* a separately filed motion. **The Court will fill-in the hearing date at paragraph 14(g) of the Amended Proposed Order after it is lodged by Plaintiff as a separate pleading.**

Counsel for Plaintiff is directed to notice all parties of this order.

Hearing on Motion for Final Approval of Settlement is scheduled for 06/12/2026 at 9:00 AM in Department 23 at Gordon D. Schaber Superior Court.

/s/ T. Shaddix

T. Shaddix, Deputy Clerk

By:

Minutes of: 01/09/2026

Entered on: 01/09/2026