

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**  
Hayward Hall of Justice

Paytn Edwards, individually,  
and on behalf of other  
members of the general public  
similarly situated and on  
behalf of other aggrieved  
employees pursuant to the  
California Private Attorneys  
General Act;

Plaintiff/Petitioner(s)

VS.

Kipp Bay Area Schools, a  
California Nonprofit  
Corporation;:

Defendant/Respondent

(s)

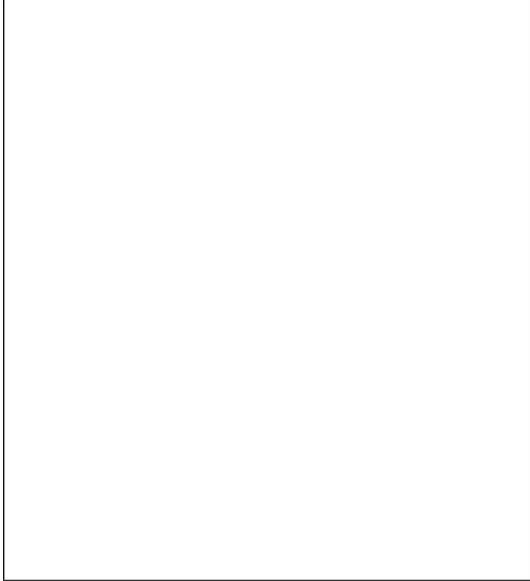
No.        24CV086759  
  
Date:      01/08/2026  
Time:      2:30 PM  
Dept:      512  
Judge:     Elizabeth Riles

ORDER re: Hearing on Motion -  
  
Other Preliminary  
Approval; filed by Paytn  
Edwards, individually, and  
on behalf of other  
members of the general  
public similarly situated  
and on behalf of other  
aggrieved employees  
pursuant to the California  
Private Attorneys General  
Act; (Plaintiff) CRS#  
445821100554 filed by

ORDER re: Hearing on Motion - Other Preliminary Approval; filed by Paytn Edwards, individually, and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act; (Plaintiff) CRS# 445821100554 filed by Paytn Edwards, individually, and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act; (Plaintiff) on 09/24/2025

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Paytn Edwards,  
individually, and on behalf  
of other members of the  
general public similarly  
situated and on behalf of  
other aggrieved  
employees pursuant to  
the California Private  
Attorneys General Act;  
(Plaintiff) on 09/24/2025

Prior to the hearing, the Court issued a tentative ruling, which was uncontested and is affirmed as set forth below.

The Motion for Preliminary Approval of Settlement filed by Paytn Edwards, individually, and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act; on 09/24/2025 is Granted in Part.

Plaintiff (“Plaintiff”) unopposed Motion for Preliminary Approval of Class Action Settlement, Approving Proposed Notice to Class, etc. (the “Motion”) is GRANTED, subject to the requirement below that the Class Notice be revised as indicated below regarding notice of class members’ intent to appear at the final approval hearing to propound objections.

The case is a wage and hour class action with additional PAGA claims.

The following constitutes analysis of the Moving Papers, the Settlement Agreement and the Notice, most of which is acceptable to the Court.

The case preliminarily settled for \$1,000,000, of which \$50,000 is allotted to the PAGA claims (See Moving Voskanyan Dec. ¶ 8) The estimated number of the class members is 745. (Voskanyan Dec. ¶ 14.) The Settlement Agreement states that attorneys’ fees will be up to one-third of the settlement amount (\$333,333.33), plus costs of litigation in an amount up to \$40,000 and anticipated Settlement administration costs of \$10,000 to administrator Apex Class Action

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Administration. (Id. at Exh. 1 at §§ 6.jj and 12.) The Settlement Agreement calls for a class service award to Plaintiff of \$10,000. (Id. at § 12.) Thus, after expenses totaling, a balance of \$566,667.67 would be available to Class Members, with a PAGA payment to the LWDA of \$37,500 and 12,500 to be distributed to aggrieved employees. Thus, class members who are also PAGA aggrieved employees would receive an average of \$777.40 each.

Settlement negotiations included one day of mediation with Hon. Brian C. Walsh (ret.) on 2/26/2025, which ultimately resulted in settlement. (Voskanyan Dec. ¶ 6.) The court gives "considerable weight to the competency and integrity of counsel and the involvement of a neutral mediator in [concluding] that [the] settlement agreement represents an arm's length transaction entered without self-dealing or other potential misconduct." (Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116, 129.) (See also In re Sutter Health Uninsured Pricing Cases (2009) 171 Cal.App.4th 495, 504.)

The Court finds acceptable the proposed 45-day deadline for class members to opt out of or object to the proposed Settlement. (See moving MPA at p. 4:16-20.) However, the Court notes that the cited portion of the Settlement Agreement (§ 21) does not state that class members will receive 45 days to opt out. Further, the Court requires that the proposed Class Notice state that class members must advise Dept. 512 of the Court and Plaintiff's counsel at least one day in advance of the final approval hearing that they wish to appear at the final approval hearing to propound oral objections even if they have not timely submitted a written objection to the proposed Settlement.

The Court notes and approves of the plan to distribute the settlement funds with no claims process.

The release of claims by the class must be limited by the "identical factual predicate rule." (Hesse v. Sprint Corp. (9th Cir. 2010) 598 F.3d 581, 590.) (See also Hendricks v. Starkist Co (N.D. Cal. 2016) 2016 WL 692739 at \* 2-4 [Denying motion for final approval of class settlement because scope of release overbroad].) The Court finds the class release at §§ 6.ee and 30 of the proposed Settlement Agreement is properly limited to the claims that were alleged or could have been alleged based on Plaintiff's allegations herein. The Court also finds the PAGA release at §§ 6.ff and 31 acceptable.

The proposed definition of "Class Member" at § 6.d of the Settlement Agreement ("all current and former non-exempt employees employed by defendant KIPP Bay Area Schools within the State of California at any time Class Period as defined at § 6.f") is acceptable for settlement purposes.

The motion makes an adequate analysis required by Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116, because it provides a reasonable estimate of the number of Class members, the total estimated possible recovery and some explanation why the settlement was reasonable in

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light thereof. (See Voskanyan Dec. at ¶¶ 24-37.)

The Settlement Agreement provides at ¶ 20.c that settlement checks to participating class members which are not cashed within 180 days will be deposited with the California State Controller's Office under the Unclaimed Property Law statutes. This is an acceptable disposition for unclaimed settlement funds. (See CCP § 384(c).)

The Court will not approve the amount of attorneys' fees and costs until the final approval hearing. The Court's preference, but not a requirement, is that plaintiffs file both the motion for final approval and the motions for attorneys' fees, costs and service awards as a single motion, because the Court is less likely to misfile a single set of motion papers.

THE COURT CANNOT AWARD ATTORNEYS' FEES WITHOUT REVIEWING SUFFICIENTLY DETAILED INFORMATION ABOUT COUNSEL'S HOURLY RATE(S) AND THE AMOUNT OF TIME PLAINTIFF'S LEGAL COUNSEL SPENT ON THE CASE. This is the law even if the parties have agreed that Defendants will not oppose the motion for fees. (Robbins v. Alibrandi (2005) 127 Cal. App. 4th 438, 450-451.)

The court notes that counsel is authorized by the Settlement Agreement to seek 33.33% of the total value of the settlement. The court sets out its standard analysis below. Counsel may address that analysis in the fee application.

When using the percentage of recovery approach, the 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 fn 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.

The Court will not decide the amount of any service awards until the final approval hearing. PLAINTIFF MUST SUBMIT EVIDENCE REGARDING THE NATURE OF HIS PARTICIPATION IN THE ACTION, INCLUDING A DESCRIPTION OF HIS SPECIFIC ACTIONS AND THE AMOUNT OF TIME HE COMMITTED TO THE PROSECUTION OF THE ACTION. (Clark v. American Residential Services LLC (2009) 175 Cal.App.4th 785, 804-807.) The service award will reflect Plaintiff's actual contributions to the litigation based on the evidence submitted in support of the service award in connection with Motion for Final Approval.

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The Court will order that 10% of any fee award 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 CCP § 384 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 sets Thursday May 21, 2026 at 2:30 p.m. in Dept. 512 as the date for the final approval hearing. Plaintiff must reserve a hearing for the motion for final approval and may advise the Clerk of Dept. 512 of the date provided for in this Order.

Dated : 01/08/2026



Elizabeth Riles / Judge

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<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Hayward Hall of Justice 24405 Amador Street, Hayward, CA 94544	<b>FILED</b> Superior Court of California County of Alameda 01/08/2026 Chad Finke, Executive Officer / Clerk of the Court
PLAINTIFF/PETITIONER: Paytn Edwards, individually, and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act;	By: <u><i>Kate Clarke</i></u> Deputy K. Clarke
DEFENDANT/RESPONDENT: Kipp Bay Area Schools, a California Nonprofit Corporation,;	
<b>CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</b>	CASE NUMBER: 24CV086759

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 Preliminary Approval; filed by Paytn Edwards, individually, and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorn... 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.

Harut Voskanyan  
Voskanyan Law Firm, PC  
HVoskanyan@voskanyanlaw.com

Wendy Ann Walker  
Young, Minney & Corr, LLP  
wwalker@mycharterlaw.com

Dated: 01/08/2026

Chad Finke, Executive Officer / Clerk of the Court

By:

*Kate Clarke*

K. Clarke, Deputy Clerk