SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

Tentative Ruling

2024CUOE029752: JEFFREY LINDQUIST vs TUMI STORES INC
07/15/2026 in Department 44
Motion for Preliminary Approval of Class and Representative Action Settlement

Department Rules. Parties and counsel shall follow the Department 44 rules and Zoom protocols, available at https://www2.ventura.courts.ca.gov/Courtroom/C44.

Remote Appearances. The Court allows Zoom appearances as a courtesy to parties and counsel. The Court does not accommodate Court Call appearances. **You MUST register by 4:00 p.m. the court day before your hearing or you will be DENIED entry to the hearing:**

ZOOM Registration Link:

https://ventura-courts-ca.zoom.us/meeting/register/iqN7uhQSQMuOqs-9TQXgEQ

No advance notice is required to appear in person.

Tentative Rulings. Oral argument should address the tentative decision. To submit on the tentative decision, email courtroom44@ventura.courts.ca.gov before 8:00 a.m. on the hearing date, copying all other parties, Use the subject line "SUBMISSION ON TENTATIVE", [Case Number], [Case Title] and [Party]. If not all parties submit, the hearing will proceed, and the tentative ruling may change.

The Court may adopt, modify or reject the tentative ruling after hearing. The tentative ruling has no legal effect unless and until adopted by the Court.

> **Motion**: Motion for Preliminary Approval of Class Action Settlement & Approval of PAGA Settlement ("Motion") – Continued from May 13, 2026

Tentative Ruling:

The Court has now reviewed Plaintiff's moving papers and the supplemental papers filed in response to the Court's ruling dated May 13, 2026, and finds that the deficiencies previously identified by the Court have been adequately addressed **except** as follows:

The Second Amended Complaint, which is designated as the operative complaint by the Amended Joint Stipulation and Settlement Agreement ("Amended Agreement"), has not yet been filed with the Court. The Amended Agreement is attached as Exhibit F to the Supplemental Declaration of Kelsey Szamet, and provides, that "As a condition of this Settlement and prior to seeking preliminary approval, but no sooner than 65 days after filing the Amended PAGA Notice with the LWDA, Plaintiff will file a Second Amended Complaint in the Lawsuit. . ." (Supp. Szamet Decl., Exh. F, p. 7.) The proposed Second Amended Complaint is attached to the Supplemental Declaration as Exhibit B. Counsel will note that pursuant to Rule 4.07 of the Ventura County Superior Court Rules, the proposed pleading must be separately filed with the Court.

The Court grants leave for the parties to file the Second Amended Complaint pursuant to the Amended Agreement. Plaintiff is ordered to file the Second Amended Complaint prior to submitting a revised proposed order granting preliminary approval in accordance with this ruling.

Subject to the filing of the Second Amended Complaint, the Court GRANTS the Motion as follows:

1. **Summary of Proposed and Preliminarily Approved Monetary Terms**.

Description	Proposed	Preliminarily Approved
Gross Settlement Amount	$300,000	$300,000
Less: Attorney Fees (not to exceed)	$100,000	$100,000
Less: Costs (not to exceed)	$20,000	$20,000
Less: Administrative Costs (not to exceed)	$7,490.00	$7,490
Less: PAGA Penalties	$22,500	$22,500
Less: Incentive Award	$7,000	$4,000
Net Settlement Before PAGA add-back	$143,010	$146,010
Plus 35% of PAGA Penalty to Aggrieved Employees (Split 65% / 35%)[1]	$7,875	$7,875
Net Settlement After PAGA add-back (35% of penalty)	$150,885	$153,885

2. **Timely Service**. The Motion was timely served on all parties, to include service of the Motion and settlement agreement on the LWDA. (Labor Code § 2699(s)(2); Code Civ. Proc. § 1005, 1010.6.)

3. **Conformity with Rules of Court**. The Rules of Court govern the length and format of law and motion papers, to include that no opening or responding memorandum may exceed 15 pages absent leave of court (See Cal. R. Ct., rule 3.1113(d).); the font must be at least 12 points (Cal. R. Ct., rule 2.104); conforming exhibits that are appropriately indexed, tabbed or bookmarked, and paginated (Cal. R. Ct., rules, 2.256(b) and 3.1110(f).) Counsel's compliance with these rules greatly aids in the review of papers filed with the Court, and also avoids delay in the Court's issuance of a decision on the merits. Noncompliance with these rules may cause delay in approval, or the Court to disregard noncompliant materials. (See Code Civ. Proc. §§ 187 & 128; see also *Bozzi v. Nordstrom* (2010) 186 Cal.App.4th 755, 765 [trial court has broad discretion to refuse to consider papers that do not comply with rule 3.1300(d)].) Plaintiff's moving papers do not comply with the rules, e.g., the moving papers well exceed the page limit, and Supplemental Declaration of Kelsey Szamet attaches Exhibits A through I are not bookmarked or paginated. Notwithstanding this deficiency the Court will exercise its discretion to consider them. Counsel is admonished to follow the rules in connection with future filings.

[1] Effective for PAGA Notices filed before June 19, 2024, penalties recovered are allocated 75% (LWDA) / 25% (Aggrieved Employees). For PAGA Notices filed on or after June 19, 2024, penalties recovered are allocated 65% (LWDA) / 35% (Aggrieved Employees). (Labor Code § 2699(m).)

4. **Fairness of Settlement**. The Court has reviewed the motion, all supporting documents filed in support thereof, and finds that Plaintiff has met its burden to show that the settlement was obtained after an arms-length negotiation, and is fair, adequate and reasonable. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801 [adequacy and reasonableness factors include consideration of case strengths, risks, and posture; settlement amount; experience of counsel].) The Court finds that the allocation between Class Claims and PAGA claims are now fair with the modified allocation. (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77.) Further, the Court finds that the scope of the release contained in the settlement agreement is now fairly tailored to those that were or could be asserted in the lawsuit based on the facts alleged in the complaint. (*Amaro v. Anaheim Arena Management, LLC* (2021) 69 Cal.App.5th 521, 538-39.)

5. **Conditional Class Certification**. The Court is satisfied that the proposed class should be certified for purposes of settlement as Plaintiff has met the requirements of Code of Civil Procedure, section 382 [ascertainability, numerosity, well-defined community of interest].)

The class and aggrieved employees for purposes of the PAGA claim are defined as: "all persons who worked as an hourly, non-exempt employee in California for Tumi Stores, Inc., between June 20, 2023, and September 16, 2025."

Plaintiff has analyzed the range of liability, the risks associated with litigation, and have provided information regarding the number of class members/aggrieved employees together with the average payout per employee, as follows:

Estimated Number of Class Members:	230
Proposed Class Payment:	$621.78
Estimated Number of Aggrieved Employees:	230
Proposed Average Allocation of PAGA Penalty Paid to Each Aggrieved Employee:	$34.24

6. **Appointments.** The Court appoints plaintiff **Jeffrey Lindquist** as the class representative, plaintiff's counsel **Eric B. Kingsley, Kelsey Szamet, and Jessi Bulaon of Kingsley Szamet Employment Lawyers** as class counsel, and **Apex Class Action Administration** as the Class Administrator.

7. **Notice to Class.** The Court is satisfied that the proposed class notice will adequately inform the class about the claims and satisfies the requirements of California Rules of Court, rule 3.766(d). [i.e., the terms of settlement; release of claims; anticipated distribution; amount of fees and costs requested by counsel, class representatives, and the claims administrator; does not include commentary concerning the merits of the settlement; and explains the time limits for class members to object, opt out, and redeem payments.]

8. **Attorney Fee Award**. With respect to the request for attorneys fees, the Court has independently scrutinized Plaintiff's request for a percentage fee to be paid from the common fund in the amount of **1/3 of the gross settlement amount.** At this juncture, and reserving the Court's discretion to select the method of fee recovery that best serves the facts at final approval, the Court approves a percentage **fee recovery up to 1/3 of the common fund. This approval, however, is subject to a 25 percent benchmark utilized by the Court**. (*Lafitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495.) Counsel must justify the fees sought in connection with the final approval motion.

9. **Incentive Award**. Plaintiff in this case seeks an incentive award of $7,000. Here, the Court finds, based on the information submitted and within its discretion that an award of up to $4,000 reflects the class representative's actual effort, risk, and contributions to the litigation, and is not disproportionate to plaintiff's expended effort. (*Cellphone Termination Fee Cases* (2010) 186 Cal.App.4th 1380, 1393–1395.)

10. **Attorney Costs**. Costs are requested in an amount not to exceed $20,000. Plaintiff submits Exhibits C and D to the Supplemental Declaration of Ms. Szamet, which is an itemized list of the costs, to include costs from Berger Consulting in the amount of $12,500, among other expenses, as well as the invoices. The Court will approve costs up to $20,000, and requests that Plaintiff provides the calculation of the total of the costs sought in connection with the final approval motion.

11. **Claims Administration Costs**. Costs are requested in an amount not to exceed $7,490. Subject to Plaintiff's substantiating such costs at final approval, the Court will approve costs up to the requested amount.

12. **Cy Pres**. The parties have selected Bet Tzedek Legal Services and provided a declaration in conformity with Code of Civil Procedure section 384.

Subject to any modifications above, the Court GRANTS the motion and will sign the proposed order **to be modified in accordance with this order**.

The Court hereby sets the hearing for final approval on **Wednesday, March 24, 2027, at 1:30 p.m.**

Plaintiffs counsel shall give notice.