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**From:** Mai Tulyathan <ktulyathan@diversitylaw.com>  
**Sent:** Wednesday, May 11, 2022 9:17 AM  
**To:** Jodey Lawrence <jodey@phoenixclassaction.com>  
**Cc:** Larry Lee <lwl@diversitylaw.com>; Brand, Jeffrey A. (LA) <Jeffrey.Brand@jacksonlewis.com>; Thomas, Michael D. (LA) <Michael.Thomas@jacksonlewis.com>  
**Subject:** Haney v. Peninsula Packaging

Hey Jodey,

The Court granted preliminary approval of this settlement. Please see attached settlement agreement, amendment to settlement agreement, and class notice in word. The Court's order is below. Defense counsel is copied here. Let us know if you need anything else.

**Re: Haney, Carl vs. Peninsula Packaging, LLC**

Case No.: VCU285695

Date: May 10, 2022

Time: 8:30 A.M.

Dept. 7-The Honorable Bret D. Hillman

Motion: Plaintiff's Motion for Preliminary Approval of PAGA and Class Action Settlement

Tentative Ruling: To preliminarily approve the settlement. The Court notes that Plaintiff's enhancement award is approved at \$7,500. The final approval hearing is set for September 27, 2022 in Dept 7 at 8:30 am. The Case Management Conference is also continued to September 27, 2022 in Dept 7 at 8:30 am.

### **1. Class Notice**

The class notice period has been modified to 60 days. As noted in the prior ruling, the Court regularly approves notice periods of 60 days or longer. The class notice period is preliminarily approved.

### **2. Enhancement Awards to Class Representatives**

The court preliminarily approves Plaintiff Carl Haney as class representative.

The proposed enhancement awards to Plaintiff is \$10,000.00. The Court has, in past cases, approved enhancement awards of \$5,000.00 routinely. Plaintiff has provided a declaration that indicates he has assisted in investigation of the case, has met with attorneys, has provided information and documentation and reviewed the settlement in this matter.

Plaintiff indicates, by supplemental declaration, that he has spent approximately 23 to 25 hours engaged in telephonic discussions with his counsel, searching for and providing documents relevant to the claims in this case, and reviewing the pleadings and settlement agreement. Plaintiff expects to receive the average pay out of \$1,593.36.

Based on the above, the Court preliminarily approves an enhanced award of \$7,500.

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

The Court preliminarily approved the attorneys' fees sought in this matter of \$116,666.67, based on the lodestar information provided by counsel.

Counsel has further provided, via supplemental declaration, that the current costs incurred are \$15,953.18. Based on this declaration, the Court preliminarily approves costs not to exceed \$20,000.00.

### **4. Unclaimed Settlement Proceeds**

The court preliminarily approved the distribution of unclaimed settlement proceeds to "Legal Aid At Work" in accordance with Code of Civil Procedure section 384. Plaintiff's counsel's supplemental declaration confirms that neither his law firm nor the defendant or the law firm that represents the defendant, has any interest or conflict that would preclude the appointment as *cy pres* for any unclaimed settlement proceeds in this action.

### **5. LWDA Notice**

The supplemental declaration from counsel indicates that on March 9, 2022, notice of the settlement was provided to the LWDA and Exhibit E indicates receipt by the LWDA.

Based on the foregoing, the Court preliminarily approves the PAGA and Class Action settlement, noting that Plaintiff's enhancement award is approved at \$7,500.

The final approval hearing is set for September 27, 2022 in Dept 7 at 8:30 am. The Case Management Conference is also continued to September 27, 2022 in Dept 7 at 8:30 am.

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.

### **Mai Tulyathan**

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