

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Snyder, William Plaintiff/Petitioner, vs. Jostens, INC Defendant/Respondent.	Jud. Officer: David Mathias Clerk: Holly Bilbrey Bailiff: Jose Devora CSR: Monica Grant Interpreter: Language:
Minutes: Motion Preliminary Approval Case Management Conference	Case No. VCU282085 Department 01
Date: October 7, 2021	Related Cases:

Appearances: ☒ No Appearances
☐ Party: _____
☐ Party: _____
☐ Party: _____
☐ Other: _____

☐ Attorney: _____
☐ Attorney: _____
☐ Attorney: _____

Case is called at 8:35 AM:

No request for oral argument.

The Court adopts the Tentative Ruling as follows:

Motion: Motion for Preliminary Approval of Class Action Settlement

Ruling: To grant plaintiff's motion for preliminary approval of class settlement, etc. Plaintiff shall amend his class notice to provide for a 60-day period to "opt-out" of the class settlement. This class action shall be calendared for final approval on March 17, 2022, at 8:30 am in Department 1 of this court. CMC is taken off calendar.

The class is defined as "all current and former non-exempt California employees who were paid overtime wages by Defendant at any time from February 13, 2019 through October 1, 2019."

The court finds that sufficient information has been submitted as to various provisions of the settlement agreement for the court to make the merits evaluation required by Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116, 129.

1. Sufficiency of Amount of Settlement (\$60,500)

The gross settlement amount is \$60,500. Plaintiff estimates the total number of class members is 146. Plaintiff provides estimates of the maximum recovery for each of Plaintiff's asserted wage and hour claims and penalties including information showing how the estimates were calculated including the damages models utilized. The total estimated maximum recovery in the event of an outright victory is \$325,400.00 if all of the costs, fees, and expenses requested by Plaintiff are approved the net settlement would provide an average distribution to each

class members of about \$111.02. The submitted information is sufficient to establish the gross settlement of about 18.6% of the estimated maximum recovery is reasonable under the circumstances.

2. Class Notice

The notice period for class members to object or opt out of the settlement is 45 calendar days from the mailing of the class notice. The court has determined that a period of 60 days for class members to take action is reasonable and proper. Plaintiff shall amend his class notice to provide for a 60-day period for class members to "opt-out" of the settlement. 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.

3. Enhancement Awards to Class Representative

The proposed enhancement awards to Plaintiff William Snyder the sum of \$5000.00. The court finds this award to plaintiff to be reasonable under the circumstances.

4. Attorneys' Fees and Costs

The court finds that the declarations of class counsel William Marder and Dennis Hyun adequately establish the approximate lodestar support the reasonableness of the fee request of \$20,166.67.

The court also finds that the declarations of attorneys Marder and Hyun provide the estimated costs incurred to date to support the reasonableness of the \$5,000.00 cost request.

5. Claims Administrator

The court is satisfied from a review of the declaration of Jodey Lawrence, the President of Business Development at Phoenix Settlement Administrators that PSA is adequately qualified to serve as the administrator for the claims in this class action administrator and sufficiently sets forth the basis for the \$5,000.00 administrative cost estimate.

6. Unclaimed Settlement Proceeds

The settlement provides that uncashed checks will be distributed to the California Rural Legal Assistance organization. Before final approval of this settlement, plaintiff will file with the court a declaration from an official at California Rural Legal Assistance that indicates that neither this organization or any party affiliated with this organization has a conflict of interest that would prevent CRLA from serving as a proper cy pres for unclaimed funds from the settlement of this class action.

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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE

Visalia Division
221 S Mooney Blvd, Room 303
Visalia, CA 93291
559.730.5000

FILED
TULARE COUNTY SUPERIOR COURT
VISALIA DIVISION

OCT 07 2021

STEPHANIE CAMERON, CLERK
BY: 

Snyder, William
Plaintiff/Petitioner,

vs.

Jostens, INC
Defendant/Respondent.

Case No. VCU282085

CLERK'S CERTIFICATE OF SERVICE

I certify that I am not a party to this cause.


I certify that I caused the Minute Order dated October 7, 2021 to be served on the persons listed below in the following manner:

☒ BY MAIL: I placed the documents for collection and mailing on the date shown, so as to cause it to be mailed in a sealed envelope with postage fully prepaid on that date following standard court practices to the persons and addresses shown. The mailing and this certification occurred at Visalia, California on October 7, 2021.

☐ BY EMAIL: I transmitted the documents by electronic-mail to the parties designated email address on the date shown. The email and this certification occurred at Visalia, California on October 7, 2021.

☐ BY INTEROFFICE MAIL: I transmitted the documents by interoffice mail to the parties designated location on the date shown. The interoffice mailing and this certification occurred at Visalia, California on October 7, 2021.

STEPHANIE CAMERON,
CLERK OF THE SUPERIOR COURT
COUNTY OF TULARE

By 
Holly Bilbrey, Deputy Clerk

Names and Mailing/E-Mail Address of Person(s) Served:

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