

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE**

<b>Acker, Ronald</b> Plaintiff/Petitioner,  vs.  <b>Ritchie Bros Auctioneers America INC</b> Defendant/Respondent.	Jud. Officer: <b>David Mathias</b> Clerk: <b>Marcella Hernandez</b> Bailiff: <b>Jose Devora</b> CSR: <b>Monica Grant</b> Interpreter: Language:
Minutes: <b>1)Motion Hearing:Preliminary Approval 2)Case Managemet Conference</b> Date: <b>December 2, 2021</b>	Case No. <b>VCU283076</b> Department <b>01</b> Related Cases:

Appearances:  No Appearances

<input type="checkbox"/> Party: _____	<input type="checkbox"/> Attorney: _____
<input type="checkbox"/> Party: _____	<input type="checkbox"/> Attorney: _____
<input type="checkbox"/> Party: _____	<input type="checkbox"/> Attorney: _____
<input type="checkbox"/> Other: _____	

**Motion:** Motion for Preliminary Approval of Class Action

- Case called at 9:01. No appearances
- No requests for oral argument presented.

**ORDER:** The Court adopts the Tentative Ruling as the Order of the Court as follows:

**TENTATIVE RULING:** To grant the Motion for Preliminary Approval of Class Action and PAGA Settlement, Costs and Class Representative Award

In its October 21, 2021 ruling, the Court sought additional information 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 as well as itemized cost information and a supplemental declaration from the Class Representative, Plaintiff Ronald Acker.

On November 24, 2021, the Court received two supplemental declarations from counsel and one declaration from Plaintiff Acker addressing these issues.

The supplemental declaration of Heather Davis provides sufficient information about the nature and magnitude of the claims in question and the basis for concluding that the consideration being paid for the release of those claims represents a reasonable compromise under the circumstances, in accordance with *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 133. This case involved extensive informal discovery and investigation of disputed claims. The settlement avoids significant risks and delay that would result from further litigation of the case, which would include, amongst other matters, certification proceedings, trial, and the possibility of further delay and cost resulting from appeals.

The supplemental declaration from Edwin Aiwazian sufficiently sets forth an itemization of the costs of \$14,177.17 incurred to date.

The proposed enhancement awards to Plaintiff Acker is \$7,500.00. The court finds that Plaintiff Acker's declaration sufficiently sets forth admissible support detailing the work he has done on the case, the amount of time spent on case issues, his anticipated distribution and why the proposed enhancement award is justified when compared to the average award to class members. The court approves the enhancement award of \$7,500.00 based upon the information provided.

Final Approval Hearing is set for April 21, 2022; 8:30am; D1.

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.

Case Management taken off calendar.

Clerk to provide notice to parties by mail

12/09/2021

STEPHANIE CAMERON, CLERK  
Marcella Hernandez, Deputy

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE

Visalia Division  
221 S Mooney Blvd, Room 201  
Visalia, CA 93291  
559.730.5000

Acker, Ronald  
Plaintiff/Petitioner,

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Ritchie Bros Auctioneers America INC  
Defendant/Respondent.

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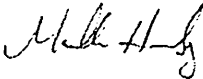
CLERK'S CERTIFICATE OF SERVICE

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

I certify that I caused the Minute Order from December 2, 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 December 9, 2021.

STEPHANIE CAMERON,  
CLERK OF THE SUPERIOR COURT  
COUNTY OF TULARE

  
By  
Marcella Hernandez, Deputy Clerk

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

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