

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

Barela, Nereida
Plaintiff/Petitioner,

vs.

Quail Park Retirement Village, LLC
Defendant/Respondent.

Judicial Officer: **David Mathias**
Clerk: **Holly Bilbrey**
Bailiff: **Jose Devora**
CSR: **Monica Grant**
Interpreter:
Language:

Minutes: **Motion Hearing**
Other

Date: **February 17, 2022**

Case No. **VCU282224**
Department 01

Related Cases:

Appearances: No Appearances

- Party: _____
- Remote Appearance
- Party: _____
- Remote Appearance
- Party: _____
- Remote Appearance
- Other: _____
- Remote Appearance

- Attorney: _____
- Remote Appearance
- Attorney: _____
- Remote Appearance
- Attorney: _____
- Remote Appearance

Case is called at 9:38 AM:

No request for oral argument.

The Court adopts the Tentative Ruling as follows:

Motion: Continued hearing on motion for preliminary approval of class action settlement

Ruling: The court is prepared to grant the motion for preliminary approval, provided the terms of the settlement are modified to provide for the maximum cost reimbursement amount is reduced to \$20,000. Case management conference is taken off calendar. Hearing on Final approval is set for July 14, 2022; 8:30 am; D1.

This motion for preliminary approval of class action settlement returns for hearing following a prior continuance to allow filing of supplemental declarations as to the proposed class-enhancement payment to plaintiff, plaintiff's cost reimbursement request, and the proposed cy pres recipient.

Plaintiff submits a supplemental declaration, including an estimate of the amount of time she has spent on various categories of tasks, as previously described in her initial declaration in support of the motion, and additionally provides her anticipated distribution under the terms of the settlement. Based on the additional information provided, the Court awards the amount of \$7,500 as requested.

Plaintiff additionally submits a supplemental declaration by her counsel, which includes an itemization of fees incurred in support of plaintiff's cost reimbursement request. The declaration reflects total costs incurred to date

of \$14,935.88, the bulk of which are comprised of payments for the mediator's fees, plaintiff's damages expert fees, and a payee listed as "Numerical Company," described as having performed an analysis of a sampling of time records. Plaintiff has requested approval of settlement terms providing for reimbursement her counsel's costs in an amount not to exceed \$25,000, which appears significantly above the amount of costs the court would expect to be reasonably incurred in this case, particularly at a stage going forward after settlement has been reached.

Finally, plaintiff submits a declaration from cy pres recipient Central California Legal Aid Services. The court believes the declaration supports that Central California Legal Aid Services is an appropriate cy pres recipient for unclaimed settlement proceeds.

The court grants the motion for preliminary approval, provided the terms of the settlement are modified to provide for the maximum cost reimbursement (not to exceed) amount of \$20,000. Court approval of plaintiff's request for payment of her attorneys' fees and reimbursement of her attorneys' costs shall not be made prior to determination of the motion for final approval of the settlement.

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.