

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 01/20/2023

TIME: 09:30:00 AM

DEPT: C-71

JUDICIAL OFFICER PRESIDING: Gregory W Pollack

CLERK: Terry Abas

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: Deputy Paul Tomcavage

CASE NO: **37-2019-00070131-CU-OE-CTL** CASE INIT.DATE: 12/31/2019

CASE TITLE: **Escalante vs Hudson Technologies Company [E-File]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

APPEARANCES

No Appearance by all parties

The Court confirms the tentative ruling.

The Court rules on the motion for final approval of class action settlement as follows:

The motion is granted for the reasons stated below.

The terms of the settlement are as follows: Defendant Hudson Technologies Co. (Defendant) will pay a gross settlement of \$150,775.83.00 to the class, which includes attorneys' fees and costs, a representative enhancement, settlement administration costs, and a PAGA payment. (Melmed Dec., ¶6.)

There have been no objections or opt outs. (Quiroz Dec., ¶¶11-12.)

Legal Standard. When faced with a motion for final approval of a class action settlement, a court's inquiry is whether the settlement is "fair, adequate and reasonable." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801 fn. 7 (hereafter *Dunk*.) California strongly favors settlements. (*Western Steamship Lines, Inc. v. San Pedro Peninsula Hosp.* (1994) 8 Cal.4th 100, 110.)

The presumption of fairness exists where, as here "(1) the settlement is reached through arm's length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation, and (4) the percentage of objectors is small. (*Dunk, supra*, 48 Cal.App.4th at p. 1802.)

The factors that courts routinely consider in reviewing a proposed settlement are: (1) the strength of the plaintiffs' case, (2) the risk, complexity, length, and expense of continued litigation, (3) the risk of maintaining class action status through trial, (4) the amount offered in settlement, (5) the stage of the

proceedings and the amount of discovery already undertaken at the time of the settlement, (6) the experience and views of counsel, and (7) the reaction of the class members to the proposed settlement. (*7-Eleven Owners for Fair Franchising v. Southland Corp.* (2000) 85 Cal.App.4th 1135, 1166-1167.)

Here, Plaintiffs presented evidence establishing that the settlement is fair and adequate. (Melmed Dec., ¶¶8-9.) The parties engaged in arm's length negotiations and extensive investigation and discovery. (*Id.*, at ¶15) Finally, counsel for Plaintiffs is experienced and skilled in class actions. (*Id.*, at ¶13.)

In addition, Defendant does not oppose the following proposed payments: (1) Class representative enhancement of \$5,000.00 to Plaintiff, (2) attorney fees and litigation costs of \$45,833.33 and \$3,386.27, respectively, (3) settlement administration costs of \$5,000.00, and (4) a PAGA payment to the LWDA of \$15,000.00. (Melmed Dec., ¶6.)

IT IS SO ORDERED.



Judge Gregory W Pollack