

TENTATIVE RULINGS

JUDGE RANDALL J. SHERMAN

DEPARTMENT CX105

APRIL 18, 2025

Appearances, whether remote or in person, must be in compliance with Code of Civil Procedure §367.75, California Rules of Court, Rule 3.672, and Superior Court of California, County of Orange, Appearance Procedure and Information, Civil Unlimited and Complex, located at https://www.occourts.org/media-relations/covid/Civil_Unlimited_and_Complex_Appearance_Procedure_and_Information.pdf. Unless the court orders otherwise, remote appearances will be conducted via Zoom through the court's online check-in process, available at <https://www.occourts.org/media-relations/civil.html>. Information, instructions and procedures to appear remotely are also available at <https://www.occourts.org/media-relations/aci.html>. Once online check-in is completed, counsel and self-represented parties will be prompted to join the courtroom's Zoom hearing session. Participants will initially be directed to a virtual waiting room while the clerk provides access to the video hearing.

Court reporters will not be provided for motions or any other hearings. If a party desires a court reporter for a motion, it will be the responsibility of that party to provide its own court reporter. Parties must comply with the court's policy on the use of pro tempore court reporters, which can be found on the court's website at www.occourts.org/media/pdf/Private_Retained_Court_Reporter_Policy.pdf.

If you intend to submit on the tentative ruling, please advise the other parties and the court by calling (657) 622-5305 by 9:00 a.m. on the hearing date. Make sure the other parties submit as well before you forgo appearing, because the court may change the ruling based on oral argument. Do not call the clerk about a tentative ruling with questions you want relayed to the court. Such a question may be an improper ex parte communication.

#	Case Name & No.	Tentative Ruling
1	Esparza vs. Sam Ash Megastores, LLC 2023-01311910	The unopposed motion of Michael D. Thomas and Lauren B. Shelby of Jackson Lewis P.C. to be relieved as counsel of record for defendant Sam Ash California Megastores, LLC is granted. Moving counsel have complied with the requirements of CRC Rule 3.1362. The Order will be effective upon the filing of a proof of service showing service of a signed Order on the client. Moving counsel is ordered to give notice of the ruling.
2	Hoerner vs. Hoag Memorial Hospital Presbyterian 2021-01178333	Plaintiff Leigh Hoerner and defendant Hoag Memorial Hospital Presbyterian's Motion for an Order Approving Settlement of Action Brought Pursuant to the Labor Code Private Attorneys General Act of 2004 is granted. The court concludes that the \$50,000 PAGA settlement is fair, adequate and reasonable, and approves the following specific awards: • \$16,500.00 to plaintiff's counsel for plaintiff's attorneys' fees, as requested;

		<ul style="list-style-type: none"> • \$1,858.70 to plaintiff’s counsel for plaintiff’s attorney costs, as requested; • \$7,750 to plaintiff Leigh Hoerner as an enhancement award, as requested; • \$17,918.47, which is 75% of the remaining balance of \$23,891.30, to the LWDA as its share of PAGA penalties; and • \$5,972.83, which is 25% of the remaining balance of \$23,891.30, to the one aggrieved employee as her share of PAGA penalties. <p>The court sets a Final Report Hearing for November 7, 2025 at 10:00 a.m., to confirm that distribution efforts are fully completed, that the Administrator’s work is complete, and that the court’s file thus may be closed. All supporting papers must be filed at least 16 days before the Final Report Hearing date.</p> <p>Plaintiff is ordered to give notice of the ruling to the LWDA and to defendant.</p>
<p>3</p>	<p>Sgontz vs. Crossmark, Inc. 2021-01204377</p>	<p>Plaintiffs’ Motion for Approval of Settlement Under Private Attorneys General Act is granted, except that the court approves plaintiffs’ attorney costs only in the amount of \$23,208.13, and awards enhancements to plaintiffs Wendy Sgontz and Jennifer Shellenbaum in the amount of only \$3,000 each, and to plaintiffs Vicky Wright and Nicole Gregory in the amount of only \$2,000 each. The court disallows the \$114.16 claimed for postage and the \$1,699.00 claimed for legal research (Lexis-Nexis), because the court considers those cost items to be properly part of attorney overhead. Enhancement awards totaling \$10,000 are more than sufficient and proper for a class and settlement of this size, where the aggrieved employees will receive an average payment of only about \$45 each. The court in its discretion allocates the \$10,000 by awarding \$3,000 to the two original plaintiffs from 2021, and awarding \$2,000 to the two plaintiffs who came into the case in 2023.</p> <p>The court concludes that the \$1,170,000 PAGA settlement, as approved, is fair, adequate and reasonable, and approves the following specific awards:</p> <ul style="list-style-type: none"> • \$389,961.00 to plaintiffs’ counsel for plaintiffs’ attorneys’ fees, with \$194,980.50 (50%) awarded to Crosner Legal, PC, and \$194,980.50 (50%) awarded to Blumenthal Nordrehaug Bhowmik De Blouw LLP, as requested; • \$23,208.13 to plaintiffs’ counsel for plaintiffs’ attorney costs, with \$20,951.69 awarded to Crosner Legal, PC and \$2,256.44 awarded to Blumenthal Nordrehaug Bhowmik De Blouw LLP, reduced from the \$25,000.00 total requested; • \$3,000.00 to plaintiff Wendy Sgontz, \$3,000.00 to plaintiff Jennifer Shellenbaum, \$2,000.00 to plaintiff Vicky Wright, and \$2,000.00 to plaintiff Nicole Gregory, totaling \$10,000.00, as enhancement awards, reduced from the \$10,000.00 each requested;

		<ul style="list-style-type: none"> ● \$20,000.00 to the Administrator, ILYM Group, Inc., as requested; ● \$545,123.15, which is 75% of the remaining balance of \$726,830.87, to the LWDA as its share of PAGA penalties; and ● \$181,707.72, which is 25% of the remaining balance of \$726,830.87, to the aggrieved employees as their share of PAGA penalties. <p>The court sets a Final Report Hearing for January 23, 2026 at 10:00 a.m., to confirm that distribution efforts are fully completed, including the distribution of uncashed aggrieved employee checks after 180 days, that the Administrator’s work is complete, and that the court’s file thus may be closed. The parties must report to the court the total amount that was actually paid to the aggrieved employees. All supporting papers must be filed at least 16 days before the Final Report Hearing date.</p> <p>Plaintiffs are ordered to give notice of the ruling to the LWDA and to defendant.</p>
<p>4</p>	<p>Guzman vs. Newport Heart Medical Group Inc. 2022-01261989</p>	<p>Plaintiff’s Motion for Approval of PAGA Settlement is granted, except that the court approves plaintiff’s attorneys’ fees only in the amount of \$33,000. The court concludes that a reasonable attorney fee in this case is 33% of the gross settlement amount. The court concludes that the \$100,000 PAGA settlement, as approved, is fair, adequate and reasonable, and approves the following specific awards:</p> <ul style="list-style-type: none"> ● \$33,000.00 to plaintiff’s counsel for plaintiff’s attorneys’ fees, reduced from the \$40,000.00 requested; ● \$500.00 to plaintiff’s counsel for plaintiff’s attorney costs, as requested; ● \$5,500.00 to the Administrator, CPT Group, Inc., as requested; ● \$45,750.00, which is 75% of the remaining balance of \$61,000.00, to the LWDA as its share of PAGA penalties; and ● \$15,250.00, which is 25% of the remaining balance of \$61,000.00, to the aggrieved employees as their share of PAGA penalties. <p>The court sets a Final Report Hearing for January 16, 2026 at 10:00 a.m., to confirm that distribution efforts are fully completed, including the distribution of uncashed aggrieved employee checks after 180 days, that the Administrator’s work is complete, and that the court’s file thus may be closed. The parties must report to the court the total amount that was actually paid to the aggrieved employees. All supporting papers must be filed at least 16 days before the Final Report Hearing date.</p> <p>Plaintiff is ordered to give notice of the ruling to the LWDA and to defendant.</p>

<p>5</p>	<p>Rosas vs. Furniture Ave, Inc. 2022-01284958</p>	<p>Plaintiff’s Motion for Final Approval of Class Action and PAGA Representative Action Settlement is granted, except that the court awards an enhancement to plaintiff Emilio Rosas only in the amount of \$5,000. An enhancement award of \$5,000 is sufficient and proper for a class and settlement of this size, and considering that there was nothing extraordinary about plaintiff’s contribution to the case. The court concludes that the \$408,000 class action and PAGA settlement, as approved, is fair, adequate and reasonable, and approves the following specific awards:</p> <ul style="list-style-type: none"> • \$136,000.00 to plaintiff’s counsel for plaintiff’s attorneys’ fees, as requested; • \$8,544.98 to plaintiff’s counsel for plaintiff’s attorney costs, as requested; • \$5,000.00 to plaintiff Emilio Rosas as an enhancement award, reduced from the \$7,500.00 requested; • \$10,000.00 to the Administrator, Phoenix Settlement Administrators, as requested; and • \$30,000.00 to the LWDA for its share of PAGA penalties, as requested. <p>The total amount that will be payable to all class members and aggrieved employees if they are paid the amount to which they are entitled pursuant to the judgment is \$218,455.02.</p> <p>The court sets an Interim Final Report Hearing for March 20, 2026 at 10:00 a.m., to confirm that defendants have made all the required payments, and that distribution efforts, other than uncashed checks, are fully completed, and to provide any updated estimate of when the amount of the uncashed checks will be delivered to the State Controller’s Office Unclaimed Property Fund in the names of the applicable payees. All supporting papers must be filed at least 16 days before the Interim Final Report Hearing date.</p> <p>Plaintiff is ordered to give notice of the ruling to the LWDA and to defendants.</p>
<p>6</p>	<p>Santa Cruz vs. Tectonic Transport 2023-01320697</p>	<p>Plaintiff’s Motion for Preliminary Approval of Class Action Settlement is granted.</p> <p>A Final Approval Hearing is set for September 19, 2025 at 10:00 a.m. All papers in support of the Final Approval Hearing, including detailed hourly breakdowns of plaintiff’s attorneys to support a lodestar cross-check, detailed plaintiff attorney cost breakdowns, an Administrator declaration and invoice, and plaintiff’s declaration to support the enhancement request, must be filed at least 16 calendar days before the Final Approval Hearing date, to provide enough time for court review, and must be served in compliance with CCP notice of motion requirements.</p> <p>Plaintiff is ordered to give notice of the ruling to the LWDA and to defendant.</p>

7	Molina vs. AMM Market, Inc. 2023-01337256	<p>Plaintiff's Motion for Preliminary Approval of Class Action Settlement is granted.</p> <p>A Final Approval Hearing is set for August 22, 2025 at 10:00 a.m. All papers in support of the Final Approval Hearing, including detailed hourly breakdowns of plaintiff's attorneys to support a lodestar cross-check, detailed plaintiff attorney cost breakdowns, an Administrator declaration and invoice, and plaintiff's declaration to support the enhancement request, must be filed at least 16 calendar days before the Final Approval Hearing date, to provide enough time for court review, and must be served in compliance with CCP notice of motion requirements.</p> <p>Plaintiff is ordered to give notice of the ruling to the LWDA and to defendant.</p>
8	Molina vs. AMM Market, Inc. 2023-01351378	<p>The Status Conference set for today is continued to August 22, 2025 at 10:00 a.m.</p> <p>Plaintiff is ordered to give notice of the ruling to defense counsel unless notice is waived.</p>
9	Venegas vs. Mark Beamish Waterproofing, Inc. 2021-01228505	<p>Plaintiffs Marcos Santos Colburn and Jose Venegas' Motion for Preliminary Approval of Class and Representative Action Settlement Agreement is granted.</p> <p>A Final Approval Hearing is set for August 22, 2025 at 10:00 a.m. All papers in support of the Final Approval Hearing, including detailed hourly breakdowns of plaintiffs' attorneys to support a lodestar cross-check, detailed plaintiff attorney cost breakdowns, an Administrator declaration and invoice, and plaintiffs' declarations to support the enhancement requests, must be filed at least 16 calendar days before the Final Approval Hearing date, to provide enough time for court review, and must be served in compliance with CCP notice of motion requirements.</p> <p>Plaintiffs are ordered to give notice of the ruling to the LWDA and to defendant.</p>
10	Colburn v. Mark Beamish Waterproofing, Inc. 2023-01352957	<p>The Status Conference set for today is continued to August 22, 2025 at 10:00 a.m.</p> <p>Plaintiffs are ordered to give notice of the ruling to defense counsel unless notice is waived.</p>
11	Danforth vs. Placentia-Linda Hospital, Inc. 2023-01321351	<p>Plaintiff's (Amended) Motion to Compel Deposition, Responses to Plaintiff's Interrogatories, and Responses to Plaintiff's Requests for Production is denied.</p> <p>Plaintiff's 20-page Memorandum of Points and Authorities in her Amended Motion exceeds the 15-page limit of CRC Rule 3.1113(d). Plaintiff's failure to include a table of contents and a table of authorities violates CRC Rule 3.1113(f). Plaintiff's motion combined three separate discovery motions into one motion, which unreasonably</p>

		<p>limited defendant Placentia-Linda’s ability to respond within the required page limits for its opposition.</p> <p>Plaintiff’s discovery requests concern information, documents and deposition topics not currently at issue in this litigation, including the patient portal website and the mobile application. Plaintiff is seeking to amend her Complaint to add allegations to support those discovery requests, but since much of this discovery motion falls outside of the scope of the operative pleading, the motion is in large part premature.</p> <p>Contrary to plaintiff’s contentions, Placentia-Linda has provided discovery responses and produced responsive documents on a rolling basis. (Lowe Dec. ¶¶3, 6-11, Ex. B.) Plaintiff has provided no evidence that she adequately met and conferred with Placentia-Linda after those document productions were made such as to attempt to narrow the scope of what the court must decide on these motions. Plaintiff did not explain the deficiencies relating to the allegations in the current operative complaint until the reply brief, depriving Placentia-Linda of its opportunity to respond and potentially narrow the scope of these discovery motions.</p> <p>Plaintiff seeks to compel defendant Tenet Healthcare Corporation to produce a corporate representative at a deposition, but the only deposition notice before the court was directed to Placentia-Linda, not Tenet. Defendants assert that the deposition topics directed at Tenet also concern topics outside the scope of the operative complaint in this action, and so plaintiff should either narrow the deposition topics or wait until the Motion for Leave to Amend Complaint is heard before filing a motion to compel as to the deposition notice for Tenet.</p> <p>As defendants succinctly summarized, plaintiff asks this court to order the production of documents which defendants have already produced, do not exist, or do not relate to the allegations at issue in the operative First Amended Complaint. The motion is denied in its entirety.</p> <p>Defendants’ Request for Sanctions is denied. Neither the title caption of defendants’ opposition brief nor any of their section headings mention sanctions. The request is simply one sentence buried in the opposition at 19:16-18.</p> <p>Defendants are ordered to give notice of the ruling unless notice is waived.</p>
12	Escobar vs. The Taste of Ink, LLC 2023-01336375	Continued to August 1, 2025 by Stipulation and Order.
13	Gutierrez vs. Onyx Paving Company, Inc. 2020-01174124	Continued to September 5, 2025 by Stipulation and Order.

