

SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER

Date: May 4, 2023
Judge: Michael W. Jones
Reporter:

Time: 8:25 AM
Dept.: Department 3
Clerk:

Marden, Daniel vs. CVS Pharmacy Inc. et al

_____ Present

_____ Present

And related Cross Action(s)

Case # S-CV-0045902

Law and Motion Minutes

Proceedings RE: Motion Hearing - _____

Dropped. Continued to _____ by Plaintiff by Defendant
 by Stipulation by Court

Matter argued and submitted.

Submitted on points and authorities without argument appearance.

Motion/Petition granted. Motion/Petition denied.

Demurrer sustained overruled without with leave to amend answer.

Counsel appointed for:

Taken under submission.

Debtor is sworn and retired with counsel for examination.

Stipulation to Judge Pro Tem Commissioner executed in open court.

Counsel for _____ to prepare the written order and submit it to opposing counsel for approval as to content and form.

Other _____.

The tentative ruling is adopted as the ruling of the court, to wit:

Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement

The unopposed motion is granted. The court has broad discretion in determining whether a class action settlement is (1) fair and reasonable, (2) the class notice is adequate, and (3) certification of the class is proper. (*In re Cellphone Fee Termination Cases* (2010) 186 Cal.App.4th 1380, 1389.) Further, the court reviews the moving papers along with the entirety of the court file to



determine that the settlement is genuine, meaningful, and consistent with the underlying purposes of the PAGA-related statute. (Labor Code section 2699(l); *O'Connor v. Uber Technologies, Inc.* (N.D. Cal. 2016) 201 F.Supp.3d 1110.) The court must also determine whether the PAGA settlement appears fundamentally fair, reasonable, and adequate. (Ibid.) The court has carefully reviewed and considered the Class and PAGA Settlement Agreement and Release and plaintiff's moving papers filed in connection with the motion. The court determines a sufficient showing has been made that the class action settlement is fair, reasonable, genuine, meaningful, and adequate. The court also determines the settlement is fair, reasonable, genuine, and consistent with the purpose of PAGA.

For the purposes of the settlement, the court hereby certifies the class as defined in paragraphs 5, 7, and 49 of the Class and PAGA Settlement Agreement and Release. The court preliminarily approves the Class and PAGA Settlement Agreement and Release. The court approves the proposed form of the notice, and incorporates by reference the findings and orders outlined in the proposed order.

The final approval hearing is set for Thursday, October 5, 2023 at 8:30 a.m. in Department 3.

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