

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**

Rene C. Davidson Courthouse

<p>Sharonda Taylor et al Plaintiff/Petitioner(s) VS. Tesla, Inc. et al Defendant/Respondent (s)</p>	<p>No. 23CV028922 Date: 08/08/2025 Time: 9:30 AM Dept: 15 Judge: Peter Borkon  ORDER re: Hearing on Motion - Other for Approval of Private Attorney General Act Settlement filed by Sharonda Taylor (Plaintiff); Zenobia Milligan (Plaintiff) on 08/01/2025</p>
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APPEARANCES: See Attendance List

Matter was not contested. All parties appeared except Plaintiff Tatianna Smith. Court instructs Court Attendant to check the hallway for any parties. No parties were waiting in the hallway. Following the hearing, the Court affirms the tentative ruling set forth below. All future dates are vacated.

The Motion re: NOTICE OF MOTION AND PLAINTIFFS UNOPPOSED MOTION FOR APPROVAL OF PRIVATE ATTORNEY GENERAL ACT SETTLEMENT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT filed by Zenobia Milligan, Sharonda Taylor on 05/21/2025 is Granted.

The motion of plaintiffs for approval of PAGA settlement is GRANTED. The motion for attorneys' fees is GRANTED.

The order of 6/17/25 identified certain concerns. The amended agreement filed 8/1/25 addresses the concerns with the agreement.

**LAW ON PAGA SETTLEMENTS**

Plaintiff asserts the PAGA claim on behalf of the State of California's Labor Workforce

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ORDER re: Hearing on Motion - Other for Approval of Private Attorney  
General Act Settlement filed by Sharonda Taylor (Plaintiff);  
Zenobia Milligan (Plaintiff) on 08/01/2025

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Development Agency. “An employee plaintiff suing ... under the [PAGA] does so as the proxy or agent of the state's labor law enforcement agencies.” (Iskanian v. CLS Transp. Los Angeles, LLC (2014) 59 Cal.4th 348, 381.)

A person asserting a claim on behalf of the LWDA under PAGA must obtain court approval for any settlement. Labor Code 2699(1)(2) states: “The superior court shall review and approve any settlement of any civil action filed pursuant to this part. ?The proposed settlement shall be submitted to the agency at the same time that it is submitted to the court.”

Regarding the standard for review, Williams v. Superior Court (2017) 3 Cal.5th 531, 549, states “PAGA settlements are subject to trial court review and approval, ensuring that any negotiated resolution is fair to those affected.” In O'Connor v. Uber Technologies, Inc. (N.D. Cal., 2016) 201 F.Supp.3d 1110, 1133, the LWDA filed a brief that stated, “It is thus important that when a PAGA claim is settled, the relief provided for under the PAGA be genuine and meaningful, consistent with the underlying purpose of the statute to benefit the public.”

Regarding the evidence required for the court to evaluate a settlement under Labor Code 2699(1)(2), the court is not required to undertake a comprehensive “what would have happened if the litigation had proceeded” analysis. The standard of review is similar to the standard for review of class action settlements under Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116, and the standard for approval of good faith settlements under CCP 877.6 and Tech-Bilt, Inc. v. Woodward-Clyde & Associates (1985) 38 Cal.3d 488.

The court can consider the value of any effective injunctive relief that a PAGA plaintiff obtains through settlement even though Labor Code 2699(a) permits a PAGA plaintiff to recover only penalties on behalf of the LWDA. The primary purpose of LWDA law enforcement proceedings is to ensure compliance with the law and not to impose and collect penalties. In enacting PAGA, “The Legislature declared that adequate financing of labor law enforcement was necessary to achieve maximum compliance with state labor laws.” (Arias v. Superior Court (2009) 46 Cal.4th 969, 980.)

The analysis of whether a proposed settlement will be “fair to those affected” concerns only fairness to the LWDA. If a PAGA plaintiff settles a claim on behalf of the LWDA for less than the maximum settlement values, the only injured person is the LDWA. The statute requires notice of a settlement to the LWDA so it can protect its interests and in addition it requires court approval. (Labor Code 2699(1).) The aggrieved employees retain whatever private claims they had before the settlement.

## CONTENT OF THE SETTLEMENT

The proposed settlement states that defendant will make a payment of \$210,000 to the LWDA (25% of which goes to the aggrieved employees) and \$340,000 to counsel, for a total of \$550,000. (Agt 1.11 and 1.12) The proposed settlement contains injunctive relief by requiring Tesla to produce certain documents. (Agt 3.6)

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## VALUATION OF CLAIMS FOR THE LWDA

The terms of the settlement are “fair to those affected.” The motion contains an evaluation similar to that required by *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116.

## DISPOSITION OF THE RESIDUAL.

The proposed settlement states that uncashed checks will be paid to 4.4.3. Counsel has filed a declaration with the information required by CCP 382.4.

## ATTORNEYS FEES – AMOUNT

The court conducts an independent assessment of the reasonableness of the requested fees. (Consumer Privacy Cases (2009) 175 Cal.App.4th 545, 555-556.) The court starts with its benchmark, then cross-checks with the lodestar, and makes adjustments if the benchmark is significantly different from the lodestar. (*Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 505 [“If the multiplier calculated by means of a lodestar cross-check is extraordinarily high or low, the trial court should consider whether the percentage used should be adjusted”].)

When using the percentage of recovery approach, the court's benchmark for fees is 30% of a total fund. (*Laffitte v. Robert Half Internat. Inc.* (2016) 1 Cal.5th 480, 495; *Schulz v. Jeppesen Sanderson, Inc.* (2018) 27 Cal.App.5th 1167, 1175; *Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 557 fn 13; *Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 66 fn 11.)

The court recently reviewed and reaffirmed its use of a benchmark of 30%. (*Hurtubise v. Sutter East Bay Hosp.* (2021) 2021 WL 11134912.)

The benchmark of 30% of \$550,000 suggests fees of \$165,000.

The injunctive relief also has value. The court estimates that value at \$100 for each of the 766 aggrieved employees, suggesting injunctive relief value of \$766,000. This suggests a settlement value of \$1,316,000, which suggests fees of \$394,800.

Counsel asserts they spent 1,100 hours on the case. This is reasonable given the approximately 265 hours on the appeal, 135 hours on motions including opposing the anti-SLAPP motion and settlement-related motions, over 30 hours on discovery requests and other discovery matters, and over 150 hours on mediation and settlement negotiations.

The court finds that a blended rate of \$600 is appropriate for the case. (*Meridian Financial Services, Inc. v. Phan* (2021) 67 Cal.App.5th 657, 708-709 [blended rate of \$550]; *Espejo v. Copley Press, Inc.* (2017) 13 Cal.App.5th 329, 337 [blended rate of \$500/hour]; *569 East County Boulevard LLC v. Backcountry Against the Dump, Inc.* (2016) 6 Cal.App.5th 426, 438-440 fn 14, fn 16 [blended rate of \$275].) Regarding the amount of the blended rate, the court considers the evidence and its own knowledge and familiarity with the legal market. (*Meridian Financial Services, Inc. v. Phan* (2021) 67 Cal.App.5th 657, 709.) The court takes judicial notice of the

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rates for counsel in the USAO Fitzpatrick Matrix on “Hourly Rates (\$) for Legal Fees for Complex Federal Litigation in the District of Columbia.” The court takes judicial notice of the Laffey matrix. (<http://www.laffeymatrix.com/>) The court gives little weight to the anecdotal fee awards of other trial judges. Counsel can selectively present fee awards that indicate the highest hourly billing rates.

The Court’s finding that a blended rate of \$600 is appropriate for the case is limited to this PAGA case. The reasonable market rate is determined based on “equally difficult or complex types of litigation.” (Syers Properties III, Inc. v. Rankin (2014) 226 Cal.App.4th 691, 700.) The court’s experience is that claims under PAGA generally do not require or involve the level of expertise that the counsel in this case might bring to other types of work.

The court recently reviewed and reaffirmed its use of a blended rate of \$550. (Harris v. Southern New Hampshire University (2023) 2023 WL 3605289.)

The court will use a blended rate of \$600 per hour.

This results in a lodestar of \$660,000.

The court applies a 1.2 multiplier for risk. When considering risk, the court considers there is less risk in a case with fee shifting statutes because counsel's potential fees are not limited by and coupled to the monetary recovery. With a fee shifting statute, counsel has the risk of proving liability but if counsel proves liability, then the fees shift to the defendant with little to no consideration of the amount of the client’s monetary recovery. (Weeks v. Baker & McKenzie (1998) 63 Cal.App.4th 1128, 1174.) For example, a nominal damage recovery will result in counsel recovering “reasonable attorneys’ fees” that could far exceed the award of damages. (Harman v. City and County of San Francisco (2007) 158 Cal.App.4th 407, 419 [jury awarded plaintiff \$30,300, counsel recovered \$1,113,905.40 in fee-shifted fees]; Heritage Pacific Financial, LLC v. Monroy (2013) 215 Cal.App.4th 972, 1006-1007 [client recovered \$1, counsel recovered \$87,525 in fee-shifted fees].) There was a fee shifting provision. This results in a multiplier adjusted lodestar of \$792,000.

Considering the percentage analysis fees of \$394,800 and the multiplier adjusted lodestar fees of \$792,000, the court will award fees of \$340,000. This is the amount requested. The award of fees is appropriate to compensate counsel in this case, to incentivize the prosecution of meritorious cases, and does not result in an unreasonable windfall to counsel at the expense of their clients.

## COSTS OF LITIGATION

The court approves payment of costs of \$16,378.70.

## SERVICE AWARDS

The court approves the payments to Plaintiffs Taylor, Smith, and Milligan in the amount of \$2,500 each.

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CONCLUSION

The court will sign the proposed order and proposed judgment, which will be amended to conform to this order.

CONCERNS REGARDING PLAINTIFF SMITH

The memo filed 8/1/25 addresses the concerns with the status of plaintiff Tatiana Smith. The entry of judgment in this case will resolve the claims of the LWDA as asserted by plaintiffs Taylor and Milligan as proxy and agent of the LWDA. Tatiana Smith cannot pursue the same claims on behalf of the LWDA. (*Turrieta v. Lyft, Inc.* (2024) 16 Cal.5th 664.) Tatiana Smith is not asserting any claims as an individual, so the resolution of the LWDA's claims brings this case to an end.

Miscellaneous - Other has been filed.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

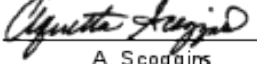
The Court orders counsel to obtain a copy of this order from the eCourt portal.

Dated : 08/08/2025



Peter Borkon / Judge

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**  
Rene C. Davidson Courthouse

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	<b>FILED</b> Superior Court of California County of Alameda 08/08/2025
PLAINTIFF/PETITIONER: Sharonda Taylor et al	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy A. Scoggins
DEFENDANT/RESPONDENT: Tesla, Inc. et al	
<b>CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</b>	CASE NUMBER: 23CV028922

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order re: Hearing on Motion - Other for Approval of Private Attorney General Act Settlement filed by Sharonda Taylor (Plaintiff); Zenobia Milligan (Plaintiff) on 08/01/2025 entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

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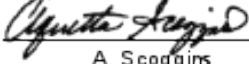
Chad Finke, Executive Officer / Clerk of the Court

Dated: 08/08/2025

By:



A. Scoggins, Deputy Clerk

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	<b>FILED</b> Superior Court of California County of Alameda 08/08/2025
PLAINTIFF/PETITIONER: Sharonda Taylor et al	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy A. Scoggins
DEFENDANT/RESPONDENT: Tesla, Inc. et al	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 23CV028922

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Tatianna Smith  
12348 Ventura Blvd  
P.O. #101  
Studio City, CA 91604

Chad Finke, Executive Officer / Clerk of the Court

Dated: 08/08/2025

By:



A. Scoggins, Deputy Clerk

**CERTIFICATE OF MAILING**