

TENTATIVE RULINGS

FOR: January 9, 2019

The Court may exercise its discretion to **disregard** a late filed paper in law and motion matters. (Cal. Rules of Court, rule 3.1300(d).)

Unlawful Detainer Cases – Pursuant to the restrictions in Code of Civil Procedure section 1161.2, no tentative rulings are posted for unlawful detainer cases and appearances are required.

Court Reporting Services – The Court does not provide official court reporters in proceedings for which such services are not legally mandated. Parties are responsible for either making the appropriate request in advance or arranging for their own private court reporter. Go to <http://napacountybar.org/court-reporting-services/> for information about local private court reporters. Attorneys or parties must confer with each other to avoid having more than one court reporter present for the same hearing.

CIVIL LAW & MOTION CALENDAR – Hon. Victoria Wood, Dept. A (Historic Courthouse) at 8:30 a.m.

Mark Silva v. Olson and Co. Steel

17CV001045

MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

TENTATIVE RULING: The motion for preliminary approval of class action settlement is GRANTED conditioned on the following.

- 1) The Class Notice shall be amended to include language satisfying the requirements of California Rules of Court, rule 3.766(d)(5). For purposes of the present Motion, this may be accomplished by amending section 14 of the Proposed Order to read as follows:
“The Court approves, as to form and content, the Class Notice in substantially the form attached to the Declaration of Adrian Bacon submitted in conjunction with the Motion, provided the parties add a statement thereto satisfying the requirements of California Rules of Court, rule 3.766(d)(5). The Court approves the procedures for Class Members to participate in, to request exclusion from, and to object to the Settlement as set forth in the Class Notice.”
- 2) Section V(C) of the Class Notice shall provide class members 60 days to object. This shall be reflected in the schedule in Section 21 of the Proposed Order.
- 3) Section 15 of the Proposed Order shall be amended to read, “The Court directs the mailing of the Class Notice by first class mail to all Class Members in accordance with the Implementation Schedule set forth in Paragraph 21 below. The Court finds the dates selected for the mailing and distribution of the Class Notice, as set forth in the Implementation Schedule, meet the requirements of due process and shall constitute due and sufficient notice to all persons entitled thereto.”

- 4) Section 21 of the Proposed Order shall be amended as follows:
 - a. Those deadlines defined relative to the date of entry of order granting Preliminary Approval (subsections a, b, c, d and g) shall so state and provide the period, and not any date certain;
 - b. Subsection e. Deadline for Class Counsel to file Motion for Final Approval of Class Action Settlement shall be April 23, 2019.
 - c. Subsection f. Deadline for Class Counsel to file Motion for Final Approval of Class Action Settlement shall be April 23, 2019.
 - d. Subsection h. Deadline to Submit Any Responses to Objections and/or Reply Brief shall be May 2, 2019.
 - e. Subsection i. Final Approval Hearing Date shall be May 15, 2019.

Absent objection from a party, the Court will sign the proposed order as so-amended. Amended Proposed Order may be submitted at the hearing, but in any event shall be submitted not later than January 14, 2019.

Finally, the Court finds that the proposed means of satisfying California Rules of Court, rule 3.771, set forth in Section XII (e) of the Stipulation of Class Action Settlement and Settlement Agreement, is insufficient for that purpose. However, the issue of the manner of Notice of Judgment is premature and the Court therefore reserves it for resolution at a later stage of the proceedings.

OSC re: Dismissal and Case Management Conference scheduled for January 9, 2019, are vacated.