

Tentative Rulings for December 4, 2024
Department 502

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) *The above rule also applies to cases listed in this "must appear" section.*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

21JCCP05166 *In re Foster Farms Wage & Hour Cases* is continued to Tuesday, December 10, 2024 at 3:30 p.m. in Department 502

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Tentative Ruling

Re: ***Lucia Sibaja v. Plastic Industries, Inc. / Complex***
Superior Court Case No. 21CECG01864

Hearing Date: December 4, 2024 (Dept. 502)

Motion: Report by Class Counsel Pursuant to Code of Civil Procedure
Section 384, Subdivision (b)

If oral argument is timely requested, it will be entertained on Thursday, December 5, 2024, at 3:30 p.m. in Department 502.

Tentative Ruling:

To approve the report by the settlement administrator. Within five days of service of the order by the clerk, class counsel shall submit to the court an amended judgment consistent with this order.

Explanation:

In the 2/6/2024 order granting final approval of the class action settlement the court set a hearing date to inform the court of the total amount actually paid to the class members, pursuant to Code of Civil Procedure section 384, subdivision (b), so that the judgment can be amended and the distribution of any cy pres funds can be ordered. In this case, 95 checks totaling \$58,995.71 have not been cashed (12 because no address could be found for the class member). The check cashing period expired on 11/27/2024. In the process of giving notice of the settlement the settlement administrator had already searched for and obtained current addresses when available for all class members. Pursuant to the terms of the settlement, the uncashed funds will go to the California State Controller's Office's Unclaimed Property Division in the names of the settlement class members.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: **KCK** on **12/02/24** .
(Judge's initials) (Date)

