

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN JOSE DIVISION

Rodriguez v. BELFOR USA Group, Inc.

Rodriguez · No. 22-cv-02071-VKD · Decided October 9, 2025

SUMMARY

The United States District Court for the Northern District of California granted final approval of a settlement resolving Richard Rodriguez’s FLSA, PAGA, and related California employment-law claims against BELFOR USA Group, Inc. and affiliated defendants. The court also approved attorneys’ fees and costs and a \$10,000 class representative enhancement payment. The settlement provided for a \$1,622,000 non-reversionary gross settlement covering a California class, an FLSA collective, and PAGA claims.

CASE DETAILS

COURT	United States District Court for the Northern District of California, San Jose Division
WRITING FOR THE COURT	Virginia K. DeMarchi
JURISDICTION	United States District Court for the Northern District of California, San Jose Division
DECIDED	October 9, 2025
DOCKET	22-cv-02071-VKD
DISPOSITION	approved
PROCEDURAL POSTURE	Plaintiff moved for final approval of a class, collective, and representative action settlement and for attorneys' fees, litigation costs, and a class representative enhancement payment. The court had previously granted preliminary approval of the amended settlement and held a final fairness hearing.
STANDARD OF REVIEW	The court reviewed the Rule 23 settlement for fundamental fairness, adequacy, and reasonableness under Rule 23(e), applying heightened scrutiny because the settlement preceded formal class certification. It reviewed the FLSA settlement for a fair and reasonable resolution of a bona fide dispute and reviewed the PAGA settlement for statutory compliance and fundamental fairness, reasonableness, and adequacy in light of PAGA's public-policy goals.

PRECEDENTIAL VALUE	Unknown; federal district court order
PARTIES	Richard Rodriguez v. BELFOR USA Group, Inc., BELFOR Environmental, Inc., Oakwood Construction and Restoration Services, Inc., 1 800 Water Damage North America, LLC

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QUESTIONS PRESENTED

1. Whether the proposed Rule 23 California class settlement was fair, reasonable, adequate, and entitled to final approval.
2. Whether the proposed FLSA collective-action settlement was a fair and reasonable resolution of a bona fide dispute and whether opt-in collective members consented to magistrate judge jurisdiction.
3. Whether the proposed PAGA settlement satisfied statutory requirements and was fundamentally fair, reasonable, and adequate in view of PAGA's enforcement purposes.
4. Whether the requested settlement administration costs, attorneys' fees, and class representative enhancement payment were reasonable.

HOLDINGS

1. A pre-certification class settlement may be finally approved when the court confirms that a class exists and, under heightened scrutiny, finds the settlement fundamentally fair, adequate, and reasonable after considering the applicable Rule 23(e) and Ninth Circuit factors. The California class settlement satisfied that standard.
2. An FLSA collective settlement may be approved when it provides a fair and reasonable resolution of a bona fide dispute, evaluated using factors similar to those applied to Rule 23 settlements. The proposed \$250,000 FLSA settlement satisfied that standard.
3. FLSA collective members who opted in through a form containing a consent provision consented sufficiently to the magistrate judge's jurisdiction for purposes of final approval and judgment.
4. A PAGA settlement may be approved when it satisfies PAGA's statutory requirements and is fundamentally fair, reasonable, and adequate in view of PAGA's public-policy goals. The proposed PAGA settlement satisfied those requirements.
5. The court may award reasonable attorneys' fees from a common settlement fund using the percentage-of-the-fund method, with a lodestar cross-check, and may award reasonable litigation costs and an incentive payment supported by the representative's work and risks. The court awarded \$300,000 in fees, \$27,813.74 in costs, and a \$10,000 enhancement payment.

KEY QUOTATIONS

“The settlement must stand or fall in its entirety.” (Rule 23 discussion)

“The Court concludes that the FLSA settlement is both fair and reasonable.” (FLSA Collective discussion)

“The settlement agreement is hereby finally approved in all respects.” (Conclusion)

FACTUAL BACKGROUND

Defendants provide nationwide property recovery and restoration services. Rodriguez worked for defendants as a non-exempt Water Damage Specialist-Laborer from approximately March 2020 through December 2021. He alleged unpaid overtime and minimum wages, meal and rest-period violations, inaccurate wage records and statements, unreimbursed business expenses, reporting-time-pay violations, and related California statutory and PAGA violations. The parties negotiated a non-reversionary \$1,622,000 settlement covering a California class, an FLSA collective, and PAGA claims.

PROCEDURAL HISTORY

Rodriguez brought FLSA, PAGA, and California labor-law claims on behalf of himself and similarly situated employees. The court initially denied preliminary approval because of concerns with the proposed settlement, but granted preliminary approval of an amended settlement on May 21, 2025. After notice, four California class members opted out, 488 FLSA collective members opted in, and no objections were received. The court held a final fairness hearing on October 7, 2025, and entered this order granting final approval and awarding fees, costs, and an enhancement payment.

DISPOSITION

approved

CASES CITED

- Class Plaintiffs v. City of Seattle, 955 F.2d 1268, 1276 (9th Cir. 1992)
- Roes, 1-2 v. SFBSC Mgmt., LLC, 944 F.3d 1035, 1049 (9th Cir. 2019)
- Staton v. Boeing Co., 327 F.3d 938, 952, 968-69 (9th Cir. 2003)
- In re Bluetooth Headset Prods. Liability Litig., 654 F.3d 935, 941-46 (9th Cir. 2011)
- Campbell v. City of Los Angeles, 903 F.3d 1090, 1101, 1117 (9th Cir. 2018)
- Johnson v. Serenity Transp., Inc., No. 15-cv-02004-JSC, 2020 WL 7260059, at *2 (N.D. Cal. Dec. 10, 2020)
- Nall v. Mal-Motels, Inc., 723 F.3d 1304, 1306 (11th Cir. 2013)
- Kulik v. NMCi Med. Clinic Inc., No. 21-cv-03495-BLF, 2023 WL 2503539, at *3-*4 (N.D. Cal. Mar. 13, 2023)
- Otey v. CrowdFlower, Inc., No. 12-cv-05524-JST, 2014 WL 1477630, at *3-*4 (N.D. Cal. Apr. 15, 2014)
- Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1355 (11th Cir. 1982)
- Sakkab v. Luxottica Retail N. Am., Inc., 803 F.3d 425, 435 (9th Cir. 2015)

- Eisenacher v. VITAS Hospice Servs. LLC, No. 20-cv-04948-RS, 2021 WL 1846574, at *2 (N.D. Cal. Apr. 2, 2021)
- O'Connor v. Uber Techs., Inc., 201 F. Supp. 3d 1110, 1132-34 (N.D. Cal. 2016)
- Lusby v. Gamestop, Inc., 297 F.R.D. 400, 412 (N.D. Cal. 2013)
- Dennis v. Kellogg Co., 697 F.3d 858, 864 (9th Cir. 2012)
- McKinney-Drobnis v. Oreshack, 16 F.4th 594, 609 n.4 (9th Cir. 2021)
- Kim v. Allison, 8 F.4th 1170, 1178-81 (9th Cir. 2021)
- In re Apple Inc. Device Performance Litig., 50 F.4th 769, 782 (9th Cir. 2022)
- Williams v. King, 875 F.3d 500, 503 (9th Cir. 2017)
- Koby v. ARS Nat'l Servs., Inc., 846 F.3d 1071, 1076 (9th Cir. 2017)
- Bellinghausen v. Tri-Pharma, LLC, 306 F.R.D. 245, 259-60, 265-68 (E.D. Cal. 2015)
- Fischel v. Equitable Life Assurance Soc'y of the U.S., 307 F.3d 997, 1007 (9th Cir. 2002)
- In re Google Referrer Header Priv. Litig., 869 F.3d 737, 748 (9th Cir. 2017), vacated on other grounds by Frank v. Gaos, 586 U.S. 485 (2019)
- Chalmers v. City of Los Angeles, 796 F.2d 1205, 1210-11 (9th Cir. 1986), amended on other grounds by 808 F.2d 1373 (9th Cir. 1987)
- Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 979, 981 (9th Cir. 2008)
- United Steelworkers of Am. v. Phelps Dodge Corp., 896 F.2d 403, 407 (9th Cir. 1990)
- Hensley v. Eckerhart, 461 U.S. 424, 434, 436 (1983)
- Rodriguez v. West Publ'g Corp., 563 F.3d 948, 958-59 (9th Cir. 2009)
- Hickcox-Huffman v. US Airways, Inc., No. 10-cv-05193-VKD, 2019 WL 1571877, at *2 (N.D. Cal. Apr. 11, 2019)