

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TISHA HILARIO,
Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,
Defendant.

Case No. [20-cv-05459-WHO](#)

**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Re: Dkt. Nos. 134, 138, 139

Plaintiff, Tisha Hilario, individually and on behalf of all others similarly situated, have entered into a Class Action Settlement Agreement (“Settlement Agreement”) with Defendant, Allstate Insurance Company. On August 20, 2025, this Court held a hearing on Plaintiffs’ Unopposed Motion for Preliminary Approval and for Certification of the Proposed Settlement Classes (“Motion”). The Court, having reviewed the Motion, the Settlement Agreement, and the relevant file materials, including the Amended Motion and supplemental declarations filed to address issues identified in the August 20, 2025 hearing, hereby ORDERS AND ADJUDGES as follows:

Certification of the Settlement Classes

1. On November 22, 2022, this Court entered an order granting Plaintiffs’ motion for class certification in part and certified the following class under Rule 23(b)(3):

All Allstate California homeowners’ insurance policyholders as of March 2019, who paid premiums and had at least one built-in garage, and whose garage square footage was counted twice in calculating insured square footage and premiums.

Dkt. 92. This Court further found that Plaintiff, Tisha Hilario, met the typicality and adequacy requirements under Rule 23(a) and approved of her serving as Class Representative. This Court found that Class Counsel are adequate and approved of them serving as Class Counsel.

2. On February 14, 2024, the Ninth Circuit issued an order affirming the District

1 Court's order certifying the class.

2 3. The parties subsequently mediated the case and reached a settlement in principle on
3 December 12, 2024. For purposes identifying Class Members, the parties jointly request that the
4 class definition be amended as follows:

5 All California homeowners policyholders of Allstate where: (a)
6 Allstate's internal records reflect the home to have a built-in garage;
7 (b) Allstate included the policy in its corrective action process called
8 Project UIN 203019 ("Project UIN"); and (c) Project UIN increased
the square footage of the home in Allstate's internal records to a level
that reflects actual or potential double counting of garage space.

9 4. As part of the present motion, Plaintiffs, without objection or opposition from
10 Defendant, have requested this Court to certify this as the Settlement Class. The Court has
11 independently reviewed these this class under Federal Rule of Civil Procedure 23. The Court finds
12 that the proposed Settlement Class meet the requirements of Rule 23(a) as well as the
13 requirements of Rule 23(b)(3). The Court therefore grants the request to amend the class definition
14 and certify the Settlement Class as defined above.

15 **Preliminary Approval of the Settlement**

16 5. Upon review of the record, the Court finds the proposed Settlement Agreement was
17 arrived at by arm's length negotiations between experienced counsel. The Court further finds that
18 the terms of the settlement fall within the range of possible approval and therefore the Court
19 preliminarily approves of the settlement subject to further consideration at the Court's Final
20 Approval Hearing. The Court finds that the Settlement Agreement is preliminarily determined to
21 be fair, reasonable, adequate, and in the best interests of the certified class, and raises a reasonable
22 basis for presuming that the Settlement and its terms satisfy the requirements of Federal rules of
23 Civil Procedure 23(c)(2) and 23(e).

24 **Approval of the Notice Plan**

25 6. The Court hereby directs notice to be distributed pursuant to Federal Rule of Civil
26 Procedure 23(c)(2). The Court has reviewed the Notice of Class Action Settlement, as amended.
27 The Court finds that the Notice will adequately provide Class Members with notice of the
28 Settlement and their rights to be excluded or object.

7. Pursuant to the Settlement Agreement, the Settlement Administrator will create and maintain a website that will include, at a minimum, copies of the Settlement Agreement, the Class Notice, and this Order.

8. The Court finds that notice plan using mailed notice constitutes the best and most practicable notice to Class Members under the circumstances and constitutes due and sufficient notice of the Final Approval Hearing and proposed Settlement Agreement and satisfies the requirements of Rule 23(c)(2) and due process.

Preliminary Approval of Awards

9. Pursuant to the Settlement Agreement, Allstate will pay \$4,000,000.00 to settle this lawsuit (the “Total Settlement Fund”). From Total Settlement Fund will be Allstate’s only payment obligation; it constitutes cash payments to Class Members, service fees to the Class Representative, the costs to administer the Settlement, the costs and expenses Class Counsel incurred in prosecuting this case, and Class Counsel’s attorneys’ fees.

10. Pursuant to the Settlement Agreement, each of the 2517 Class Members who do not timely opt-out of the Settlement will receive a monetary award. Counsel for the parties, who have adequate knowledge concerning the alleged damages sustained by the Class and are well-informed based on discovery, have allocated settlement funds to each Class Member. Counsel has advised that the allocation is based upon a series of factors, including each Class Member’s (a) number of built-in garage bays; (b) the location of the insured property; (c) the length of time each Class Member paid an allegedly excess premium; and (d) the premium charged. Counsel has further advised that the settlement amounts paid to each Class Member fairly and proportionally approximate each Class Member’s potential damages in light of the claims and defenses. The settlement amounts to be paid to each class member ranges from \$20.00 to \$4,248.70. The Court preliminarily finds that the settlement amounts paid to Class Members provides a concrete benefit, while also discounting for the risk that no relief would be achieved if litigation continued. Counsel’s motion to file the spreadsheet containing the actual allocation methodology under seal is GRANTED for compelling justifications shown. Dkt. No. 138.

11. The parties will ask Court approval for Tisha Hilario to receive \$20,000 out of the

Total Settlement Fund for her participation and service in this case. Allstate does not object to or oppose this service award. The Court will consider the propriety of the service award at the Final Approval stage.

12. Pursuant to the Settlement Agreement, Plaintiffs' Counsel will seek a Fee Award equivalent to one-third of the Total Settlement Fund, or \$1,333,333.33 for their extensive work on the case over nearly five (5) years as summarized in the Motion. The Court will consider the Fee Award at the Final Approval stage.

13. Pursuant to the Settlement Agreement, costs and expenses incurred in prosecuting this case may if approved by the Court be paid to Plaintiffs' counsel. The Court will consider an expense award at the Final Approval stage.

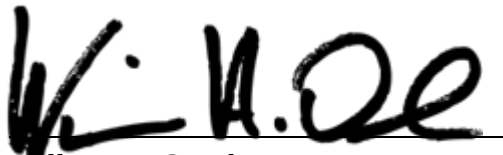
Objections and Schedule for Class Notice and the Final Approval Hearing

14. The Court hereby sets the below schedule for: (i) the dissemination of notice to the Class Members; (ii) Class Members to opt-out of the Settlement; (iii) Class Members to object to the Settlement; and (iii) the Court's Final Approval Hearing, at which time the Court will determine whether the Settlement Agreement should be finally approved as fair, reasonable, and adequate.

Date	Event
Within 30 days of entry of this order	The Class Notice shall be posted on the website and mailed to all Class Members
45 days after posting and mailing of the Class Notice	Last day to opt-out of the Settlement
45 days after posting and mailing of the Class Notice	Last day to object to the Settlement
14 days before Final Hearing	Parties to file their Motion for Final Approval of the Settlement and all supporting papers
December 2, 2025 at 2:00 p.m.	Final Approval Hearing

IT IS SO ORDERED.

Dated: September 4, 2025


 William H. Orrick
 United States District Judge