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

Kevin Shenkman Plaintiff/Petitioner(s) vs. Tesla, Inc. Defendant/Respondent(s)	No. RG21102833 Date: 06/25/2026 Time: 3:00 PM Dept: 18 Judge: Patrick McKinney ORDER Hearing on Motion for Order Motion for Order Granting Preliminary Approval to Proposed Class Action Settlement; filed by Kevin Shenkman (Plaintiff) CRS# 732911183077 filed by Kevin Shenkman (Plaintiff) on 03/24/2026

The Motion for Preliminary Approval of Settlement filed by Kevin Shenkman on 05/12/2026 is Granted.

BACKGROUND

Plaintiff Kevin Shenkman brings this consumer class action against Defendant Tesla, Inc., alleging that Defendant, an electric vehicle manufacturer, promised its early customers free "Supercharging" for their vehicle life and broke that promise by later imposing "idle fees" and/or disabling Supercharging on Tesla drivers who did not move their vehicles immediately after charging. Plaintiff asserts four causes of action for (1) violation of California's Consumer Legal Remedies Act (CLRA), (2) violation of California's Unfair Competition Law (UCL), (3) breach of contract, and (4) declaratory judgment. A class was certified, and the parties seek preliminary approval of a class settlement.

The proposed settlement requires Tesla to stop disabling Supercharger access and reenable access for any class members whose access has already been disabled. The settlement allows class members to submit claims to receive \$50.00 if access was disabled; \$350.00 if access was disabled for 30 or more days; or \$10.00 if they no longer own a Tesla, never paid idle fees, and never had access disabled. It also allows class members to submit claims for a refund or waiver of any idle fees incurred.

Class members will release all claims based on, reasonably arising from, or reasonably related to the facts alleged; Plaintiff Shenkman will provide a broader general release, including a waiver under California Civil Code section 1542; and Tesla will release claims against all class members relating to idle fees and alleged misuse of Superchargers.

LEGAL STANDARD

To prevent "fraud, collusion or unfairness to the class, the settlement or dismissal of a class action requires court approval." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1800.) The court "must determine the settlement is fair, adequate, and reasonable." (*Id.* at p. 1801.) "The well-recognized factors that the trial court should consider in evaluating the reasonableness of a class action settlement agreement include 'the strength of plaintiffs' case, the risk, expense, complexity and likely duration of further litigation, the risk of maintaining class action status through trial, the amount offered in settlement, the extent of discovery completed and stage of the proceedings, the experience and views of counsel, the presence of a governmental participant, and the reaction of the class members to the proposed settlement.'" (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 128 [quoting *Dunk*, *supra*, at p. 1801].)

DISCUSSION

Plaintiff investigated and obtained information; discovery included extensive written requests, as well as fact and expert depositions. (Yohalem Decl., ¶¶ 8, 9, 20, 21.) The parties participated in an arm's length mediation with a professional mediator and eventually settled. (*Id.*, ¶¶ 23–27.) Plaintiff includes an adequate *Kullar* analysis, providing a reasonable estimate of the number of class members, the total estimated possible recovery, and an explanation why the settlement was reasonable in light thereof. (See *id.*, ¶¶ 30–42.) Plaintiff also explains that a claims-made process was necessary to achieve settlement, but that the agreement allows every class member to obtain some benefit. The court gives "considerable weight to the competency and integrity of counsel and the involvement of a neutral mediator in assuring itself that a settlement agreement represents an arm's length transaction entered without self-dealing or other potential misconduct." (*Kullar*, supra, 168 Cal.App.4th at p. 129.) At the court's request, the parties revised certain provisions regarding class member objections. The terms of the settlement appear fair, reasonable, and adequate.

SERVICE AWARD, FEES, & COSTS

The settlement provides for payment of attorney's fees of up to $1,000,000.00, calculated via the lodestar method; out-of-pocket litigation costs of up to $100,000.00; and a service award for the named Plaintiff of up to $10,000.00. The court will not rule on these issues until final approval but provides preliminary guidance.

Any incentive, enhancement, or service award must be supported with "quantification of time and effort expended on the litigation, and in the form of reasoned explanation of financial or other risks incurred by the named plaintiffs." (*Clark v. Am. Residential Servs. LLC* (2009) 175 Cal.App.4th 785, 807.) This court's benchmark is $7,500.00, but $10,000.00 is an appropriate award for a named plaintiff who has been deposed.

A "court approving a settlement that includes a negotiated fee [] is required to decide if the fee negotiated by the parties closely approximates the value of the attorneys' work." (*Robbins v. Alibrandi*, 127 Cal.App.4th 438, 452.) This court's benchmark for attorney's fees is 30%. (See *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 parties have based the settlement award on a discounted lodestar, given that there is no gross settlement amount from which to calculate percentage. Counsel must address the value of the work at final approval.

Ten percent of the attorney's fee award must be held by the settlement administrator until completion of the distribution process and court approval of a final accounting.

The settlement agreement authorizes reimbursement of litigation costs. Counsel must provide evidentiary support for the actual costs incurred at the time of final approval.

The court's preference is for Plaintiff to move for final approval, including approval of fees, costs, and the service award, in a single motion.

ORDER

Plaintiff's motion for preliminary approval of class action settlement is GRANTED. The court will enter the proposed order submitted on June 23, 2026. A final approval hearing will be held on December 2, 2026, at 1:30 pm in Department 18. The moving party may obtain a reservation number from the clerk.

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

Dated : 06/25/2026

Patrick McKinney / Judge