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ATTORNEYS FOR PLAINTIFF, ROSHAWN COLDCLEUGH

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO
UNLIMITED JURISDICTION

ROSHAWN COLDCLEUGH,

PLAINTIFF,

v.

SAK HOSPITALITY, INC., A
CALIFORNIA CORPORATION; AND DOES 1-
10, INCLUSIVE,

DEFENDANTS.

) CASE No. FCS054652

) **PLAINTIFF'S NOTICE OF MOTION**
) **AND UNOPPOSED MOTION FOR**
) **APPROVAL OF PAGA SETTLEMENT**

) **Date: February 2, 2022**

) **Time: 9:30 a.m.**

) **Dept: 22**

) **Judge: Hon. Alesia Jones**

) **Trial Date: None**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

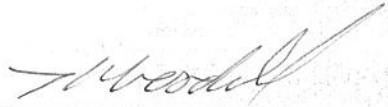
2 PLEASE TAKE NOTICE THAT on February 2, 2022 at 9:30 a.m., Plaintiff
3 Roshawn Coldcleugh (“Coldcleugh” or “Plaintiff”) will move this Court in Department
4 22 thereof, located at 580 Texas Street, Fairfield, CA 94533, for approval of the Private
5 Attorneys General Act (“PAGA”) settlement reached in this case, pursuant to Labor Code
6 § 2699(l)(2). Specifically, Coldcleugh moves the Court to approve the settlement to
7 resolve all PAGA claims in the Complaint, to be distributed as follows: (1) \$56,800 to the
8 State of California and PAGA Affected Employees (75% to the State of California and
9 25% to PAGA Affected Employees), (2) \$3,200 to the Settlement Administrator
10 (Simpluris), and (3) \$80,000 to Plaintiff’s counsel for attorney’s fees and costs related to
11 the PAGA settlement and the settlement of Plaintiff’s individual claims. Plaintiff’s
12 motion is unopposed.

13 The PAGA settlement is fair, adequate and reasonable. As set forth more fully in
14 the accompanying Memorandum of Points and Authorities, there were risks that
15 Coldcleugh would not prevail in this action, as Defendant SAK Hospitality, Inc. (“SAK”)
16 claimed numerous defenses to the meal and rest period claims, unpaid overtime claim,
17 inaccurate wage statement claim and failure to timely pay final wages claim. SAK also
18 asserted that it had suffered financial distress due to the pandemic and the Court has
19 discretion to substantially reduce the civil penalties, among other things.

1 This motion is based upon this notice of motion and motion, the memorandum of
2 points and authorities, the declaration of Kevin F. Woodall, and all other documents and
3 records on file in this action.

4
5 DATE: DECEMBER 28, 2021

WOODALL LAW OFFICES

6
7 BY: 

8 KEVIN F. WOODALL
9 ATTORNEYS FOR PLAINTIFF, ROSHAWN
10 COLDCLEUGH AND PAGA REPRESENTED
11 EMPLOYEES
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PROOF OF SERVICE

I, Kevin F. Woodall, am a resident of the State of California and over the age of 18, and not a party to the within action; my business address is 100 Pine Street, Suite 1250, San Francisco, CA 94111.

ON DECEMBER 28, 2021, I CAUSED TO BE SERVED THE DOCUMENT(S) DESCRIBED AS:

PLAINTIFF'S NOTICE OF MOTION AND MOTION IN SUPPORT OF UNOPPOSED MOTION FOR APPROVAL OF PAGA SETTLEMENT;

PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF UNOPPOSED MOTION FOR APPROVAL OF PAGA SETTLEMENT; AND

DECLARATION OF KEVIN WOODALL IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION FOR APPROVAL OF PAGA SETTLEMENT

on the following interested parties at the following address:

Clarice C. Liu
LIU Employment Law Firm
Four Embarcadero Center, Suite 1400
San Francisco, CA 94111
ccl@liuemploymentlaw.com
Attorneys for Defendant, SAK Hospitality, Inc.

☐ (BY MAIL) I served the foregoing document(s) by U.S. mail. I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence was deposited with the United States Postal Service this same day in the ordinary course of business at Corte Madera, California.

☐ (BY FACSIMILE) I transmitted via facsimile, the document(s) listed above to the fax number(s) set forth above on this date from Corte Madera, California. The transmitting facsimile machine telephone number is (415) 413-4629.

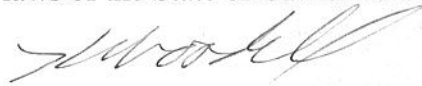
☐ (BY FEDEX GROUND) I served the foregoing document(s) by placing it in a sealed envelope or container provided by Federal Express, affixing a pre-paid air bill for ground delivery, and causing the envelope or container to be delivered to a Federal Express agent or depositing it in a box or other facility regularly maintained by Federal Express.

☐ (BY PERSONAL DELIVERY) I caused to be personally delivered the foregoing document(s) to the individual(s) at the address(es) listed above.

☒ (BY EMAIL and E-SERVICE) I served the foregoing documents by sending them via email to Defendant's counsel listed above pursuant to COVID-19 local and California orders.

Executed this December 28, 2021 at Tahoe Vista, California.

I declare under penalty of perjury under the laws of the State of California and the United States that the above is true and correct.


Kevin F. Woodall