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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SANTA CRUZ**

13 **(UNLIMITED JURISDICTION)**

14 MARIA RIOS-ROMAN, on behalf of herself, all
15 others similarly situated, the general public, and
16 as an “aggrieved employee” on behalf of other
“aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

17 *Plaintiff(s),*

18 vs.

19 SEASONS MANAGEMENT, LLC, an Oregon
20 limited liability company; SM SANTA CRUZ
21 LIMITED PARTNERSHIP, an Oregon limited
22 partnership; SL - SUN OAK, LLC, an Oregon
23 limited liability company; and DOES 1–50,
24 inclusive,

25 *Defendant(s).*
26
27
28

Case No. 20CV00783

**PLAINTIFF MARIA RIOS-ROMAN’S
NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: October 19, 2022
Hearing Time: 8:30 a.m.
Hearing Dept.: 10, The Honorable Paul
M. Marigonda

Action filed: March 09, 2020
Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; and
3. [Proposed] Order



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1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on October 19, 2022 at 8:30 a.m. or as soon thereafter as
3 the matter may be heard, in Department 10 of the Santa Cruz County Superior Court, located at
4 Santa Cruz Main Courthouse, 701 Ocean Street, Santa Cruz, CA 95060, Plaintiff Maria Rios-
5 Roman (“Plaintiff”) will and hereby does move this Court for an order: (1) granting class
6 certification of the Settlement Class solely for settlement purposes pursuant to California Code
7 of Civil Procedure section 382; (2) preliminarily approving the Joint Stipulation of Class Action
8 and PAGA Settlement and Release of Claims (the “Settlement”)¹ between Plaintiff and
9 Defendants Seasons Management, LLC, SM Santa Cruz Limited Partnership, and SL - Sun Oak,
10 LLC (collectively “Defendants”) (Plaintiff and Defendants are collectively the “Parties), (3)
11 appointing David Spivak of The Spivak Law Firm and Walter L. Haines of United Employees
12 Law Group as Class Counsel; (4) appointing Plaintiff as Class Representative (“Class
13 Representative”); (5) approving the use of the proposed notice procedures and related forms; (6)
14 directing that notice be mailed to the proposed Settlement Class; and (7) scheduling a hearing
15 date for motion for final approval of class action settlement and awards of attorneys’ fees and
16 costs.

17 The “Settlement Class” or “Class Members” consists of all persons Defendants employed
18 on an hourly, non-exempt basis in California at any time during the Class Period. “Class Period”
19 means the period from November 13, 2016 through the preliminary approval order date.

20 This Motion is made on the following grounds: (1) the Settlement Class meets all the
21 requirements for class certification for settlement purposes only under California Code of Civil
22 Procedure section 382; (2) Plaintiff and her counsel are adequate to represent the Settlement
23 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
24 claims in view of Defendants’ potential liability exposure as compared against the risks of
25 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
26 Class Members of their rights under the Settlement and fully comport with due process; and (5)

27 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak (“DS”), which is
28 submitted herewith under a separate cover.



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1 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
2 for motion for final approval of class action settlement, and awards of attorneys' fees and costs
3 should be set.

4 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
5 Points and Authorities, the Declaration of David Spivak, the Declaration of Walter L. Haines, all
6 papers and pleadings on file with the Court in this action, all matters judicially noticeable, and on
7 such oral and documentary evidence as may be presented in connection with the hearing on the
8 Motion.

9 Respectfully submitted,

10 THE SPIVAK LAW FIRM

11
12 Dated: September 26, 2022

By: 

DAVID G. SPIVAK
CHRISTINA PREJEAN, Attorneys for
Plaintiff(s), MARIA RIOS-ROMAN,
and all others similarly situated



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