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7 Attorneys for Plaintiffs
ALEJANDRA GUZMAN, KARLA QUIJADA,
8 and ANTHONY MACEDONIA,
individually and on behalf of other individuals employed
9 under common circumstances and facts

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN LUIS OBISPO**

13 ALEJANDRA GUZMAN, KARLA
QUIJADA, and ANTHONY MACEDONIA,
14 individually and on behalf of other
individuals employed under common
15 circumstances and facts,

16 Plaintiffs,

17 v.

18 THE HACIENDA COMPANY, LLC, a
19 California limited liability company; AJ
SAY, an individual; and DOES 1 through
20 50, inclusive,

21 Defendants.

**ELECTRONICALLY
FILED**

5/4/2021 4:47 PM

SAN LUIS OBISPO SUPERIOR COURT
BY: M. Landrum
M. Landrum, Deputy Clerk

CASE NO.: 19CV-0543

[CLASS ACTION]

**NOTICE OF UNOPPOSED MOTION AND
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

**[Concurrently Filed With:
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION;
DECLARATION OF ALLEN K. HUTKIN
IN SUPPORT OF MOTION; and
PROPOSED ORDER]**

Date: May 26, 2021

Time: 9:00 a.m.

Dept. 9

Assigned for all purposes to the
Honorable Tana L. Coates, Dept. 9

Action Filed September 13, 2019

1 TO THE COURT, PARTIES, AND ALL COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT on May 26, 2021 at 9:00 a.m., or as soon thereafter as
3 the matter may be heard, in Department 9 of the San Luis Obispo County Superior Court, the
4 Honorable Tana L. Coates presiding, located at 1050 Monterey Street in San Luis Obispo,
5 California 93408, ALEJANDRA GUZMAN, KARLA QUIJADA, and ANTHONY
6 MACEDONIA (collectively "Named Plaintiffs"), individually and on behalf of other
7 individuals employed under common circumstances and facts, will jointly move for an order
8 granting preliminary approval of a proposed settlement in the above-captioned class action. In
9 this motion, Named Plaintiffs seek an order:

10 1. Provisionally approving and certifying the Settlement Class;

11 2. Provisionally approving the Named Plaintiffs (ALEJANDRA GUZMAN,
12 KARLA QUIJADA, and ANTHONY MACEDONIA) as Class/PAGA Representatives;

13 3. Provisionally approving Allen K. Hutkin and Donald L. Mabry of the Hutkin
14 Law Firm, APC, Class Counsel for purposes of this settlement;

15 4. Preliminarily approving a settlement of claims under the terms set forth in the
16 parties' Joint Stipulation of Class Action and PAGA Settlement and Release of Claims
17 ("Settlement Agreement"), including the payment of a Maximum Settlement Amount ("MSA")
18 of \$1,200,000.00;

19 5. Approving the proposed method of class notice and opt out described in the
20 Settlement Agreement and directing distribution of the proposed Class Notice and Opt Out
21 forms to the members of the proposed Settlement Class;

22 6. Approving the proposed Class Notice and Opt Out Forms;

23 7. Approving the appointment of CPT Group Class Action Administrators ("CPT
24 Group") as Settlement Administrator and preliminarily approving costs of administration for
25 CPT Group of not more than \$44,000.00, to be paid from the MSA;

26 8. Preliminarily approving service award payments to Named Plaintiffs and other
27 identified putative class members, of up to \$15,000.00 each, who participated in the
28 prosecution of the action and benefited the class, to be paid from the MSA;

1 9. Preliminarily approving payment of reasonable attorneys' fees of one third of
2 the MSA, \$400,000.00, to Class Counsel, and reimbursement of actual litigation costs and
3 expenses of Class Counsel not to exceed \$25,000.00, to be paid from the MSA;

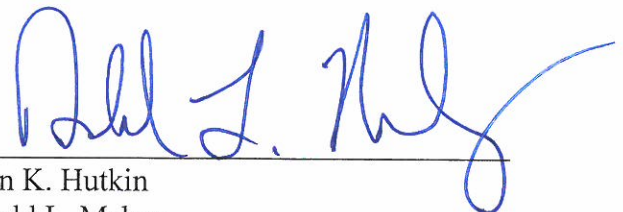
4 10. Preliminarily approving payment of \$11,250.00 of the \$15,000.00 allocated to
5 civil penalties under the Private Attorneys' General Act, Labor Code § 2699 *et seq.* ("PAGA"),
6 to the State of California Labor and Workforce Development Agency, to be paid from the
7 MSA; and

8 11. Setting a schedule for implementation of the terms of the Settlement Agreement,
9 including a date for a Hearing for Final Approval of the Class Action Settlement.

10 The Motion is based upon this Notice of Motion, the accompanying Memorandum of
11 Points and Authorities in Support of the Motion and the authorities cited therein, the
12 accompanying Declaration of Allen K. Hutkin in Support of the Motion and exhibits attached
13 thereto, oral argument of counsel at the hearing, and any other matter that may be submitted at
14 or before the hearing.

15 Date: May 4, 2021

HUTKIN LAW FIRM, APC

16
17
18
19 By: 

Allen K. Hutkin

Donald L. Mabry

Attorneys for Plaintiffs

20 ALEJANDRA GUZMAN, KARLA QUIJADA,
21 and ANTHONY MACEDONIA, individually and
22 on behalf of other individuals employed under
23 common circumstances and facts
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PROOF OF SERVICE

I am employed by the Hutkin Law Firm in the County of San Luis Obispo, State of California. I am over the age of 18 years and not a party to the within action. My business address is: 1220 Marsh Street, San Luis Obispo, California, 93401. My email address is: sandra@hutkinlaw.com. On May 4, 2021, I served the following document:

NOTICE OF UNOPPOSED MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

on the interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope (envelope omitted if service by electronic service and/or facsimile) addressed as follows:

☒ **By United States Mail.** I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or package addressed to the person(s) at the address(es) as set forth below, and following ordinary business practices I placed the package for collection and mailing on the date and at the place of business set forth below.

☐ **By Personal Service.** I served the above referenced document(s) by placing them in an envelope or package addressed to the person(s) at the address(es) listed below and hand delivered to them to the office of the addressee(s) shown below.

☒ **By Electronic Service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the above-reference document(s) to be sent to the person(s) at the electronic address(es) listed below.

Todd B. Scherwin
Hannah Sweiss
Robert D. Wilson III
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Los Angeles, CA 90071
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tscherwin@fisherphillips.com
hsweiss@fisherphillips.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 4, 2021, in San Luis Obispo, California.



Sandra Coracero