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ATTORNEYS FOR PLAINTIFF, JOSHUA SWEET AND THOSE
SIMILARLY SITUATED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

JOSHUA SWEET, INDIVIDUALLY AND ON)
BEHALF OF THOSE SIMILARLY SITUATED,)

PLAINTIFFS,

v.

SF TIRE & SERVICE CENTRAL INC., A)
CALIFORNIA CORPORATION, AND DOES 1)
THROUGH 10, INCLUSIVE,)

DEFENDANTS.)

CASE No. CGC-20-584213

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

Date: December 2, 2021

Time: 9:30 a.m.

Dept: 302

Judge: Hon. Ethan P. Schulman

ACTION FILED APRIL 22, 2020

NO TRIAL DATE SET

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on December 2, 2021 at 9:30 a.m., Plaintiff
3 Joshua Sweet will move this Court in Department 302 thereof, located at 400 McAllister
4 Street, San Francisco, CA 94102, for Preliminary Approval of Class Action Settlement in
5 the above-captioned action pursuant to California Rules of Court, Rule 3.769 (Rule
6 3.769), Code of Civil Procedure § 382 and other applicable authority. Among other
7 things, Plaintiff moves the Court to do the following: (1) grant preliminary approval of
8 the class action settlement, (2) conditionally certify the Settlement Class for settlement
9 purposes, (3) approve the form and method of Notice, (4) approve Kevin Woodall of the
10 Woodall Law Offices as Class Counsel, (5) approve Joshua Sweet as Class
11 Representative, (6) appoint Phoenix Settlement Administrators as settlement
12 administrator, and (7) approve the proposed mechanism for receiving and dealing with
13 notices of election to opt out of and object to the settlement. Plaintiff's motion is
14 unopposed.

15 Under Rule 3.769 and Code of Civil Procedure § 382, conditional certification of
16 the settlement class and appointment of class representative and counsel is appropriate
17 because the class is ascertainable, numerous class members exist, Plaintiff has claims
18 typical of the settlement class, Plaintiff and his counsel will adequately represent the
19 settlement class, common issues of fact and law predominate and the settlement class is
20 the superior method of resolving the claims of settlement class members. Under the same
21 authority, the settlement is fair, adequate and reasonable given the thorough discovery
22 conducted to date, the potential damages and risks of continued litigation, the opinions of
23 Plaintiff's counsel and the fact the parties reached the settlement before a respected
24 mediator. Moreover, the proposed Administrator has vast experience in this area and its
25 rates are reasonable. Finally, the proposed notice to settlement class members complies
26 with due process requirements.

1 This motion is based upon this notice of motion and motion, the memorandum of
2 points and authorities, the declarations of Kevin F. Woodall, Plaintiff Joshua Sweet and
3 Defendant's representative, and all other documents and records on file in this action.

4
5 Dated: November 7, 2021

WOODALL LAW OFFICES

6
7 By: /s/ Kevin F. Woodall
 Kevin F. Woodall

8 Attorneys for Plaintiff Joshua Sweet and those
9 similarly situated

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 NOVEMBER 8, 2021, I CAUSED TO BE SERVED THE DOCUMENT(S) DESCRIBED AS:

NOTICE OF MOTION AND PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF KEVIN WOODALL IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF JOSHUA SWEET IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF CHRIS MONTEVERDE IN SUPPORT OF PLAINTIFF'S MOTION FOR APPROVAL OF CLASS ACTION SETTLEMENT

on the following interested parties at the following address:

Natalie B. Fujikawa
Gordon & Rees, Scully Mansukhani
3 Parkcenter Drive, Suite 200
Sacramento, CA 95825
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Attorneys for Defendant, SF Tire & Service Central, 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.

1 ☒

(BY EMAIL and E-SERVICE) I served the foregoing documents by sending them via email to Defendant's counsel listed above. In addition, One Legal electronically served the documents described above on the recipients designated on the Transaction Receipt (Defendant's counsel listed above) located on the One Legal website (www.onelegal.com) pursuant to the Court's Local Rules authorizing electronic service of the documents.

4 Executed this November 8, 2021 at Corte Madera, California.

5 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.

7 
Kevin F. Woodall