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Attorneys for Plaintiffs Angel Caracoza, and Daniel Ortiz

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

ANGEL CARACOZA, JR., on behalf of
himself and as representative for the State of
California on behalf of all other aggrieved
employees,

Plaintiff,

v.

ASHLEY FURNITURE INDUSTRIES,
INC., a Wisconsin Corporation d/b/a THE
ASHLEY COMPANIES; and DOES 1
through 10, Inclusive,

Defendants.

LEAD CASE NO. CIVDS2012912

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Jessica Morgan

Department S26

**NOTICE OF MOTION AND MOTION FOR
ORDER GRANTING FINAL APPROVAL OF
CLASS ACTION AND PAGA SETTLEMENT**

Date: August 20, 2024

Time: 8:30 a.m.

Dept.: 26

Complaint filed: June 1, 2020

Trial Date: Not set

DANIEL ORTIZ, individually and on behalf
of all other aggrieved employees,

Plaintiff,

v.

ASHLEY FURNITURE INDUSTRIES, LLC,
a Wisconsin Limited Liability Company;
ASHLEY FURNITURE INDUSTRIES, INC.,
a Wisconsin Corporation; and DOES 1
through 50, Inclusive,

Defendants.

CASE NO. CIVDS2012912

ANGEL CARACOZA, JR., on behalf of
himself and all others similarly situated,

Plaintiff,

v.

ASHLEY FURNITURE INDUSTRIES, INC.,
a Wisconsin Corporation d/b/a THE ASHLEY
COMPANIES; and DOES 1 through 10,
Inclusive,

Defendants.

CASE NO. CIVSB2118827

DANIEL ORTIZ, on behalf of himself and all
others similarly situated

Plaintiffs,

vs.

ASHLEY FURNITURE INDUSTRIES, LLC;
ASHLEY FURNITURE INDUSTRIES, INC.,
a California Corporation, and DOES 1 through
50, inclusive,

Defendants.

CASE NO. CIV SB2212619

1 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on August 20, 2024, at 8:30 a.m., or as soon as the matter may
3 be heard in Courtroom S-26 of the above-captioned court, located at 247 West Third Street, San
4 Bernardino, California, 92415, the Honorable Jessica Morgan presiding, plaintiffs Angel Caracoza
5 and Daniel Ortiz (“Plaintiffs”) will move this Court for an Order Granting Final Approval of Class
6 Action Settlement as set forth in the Class Action and PAGA Settlement Agreement and Class Notice
7 (the “Agreement”) filed December 8, 2023 as Exhibit 1 to the Declaration of Michael D. Singer.

8 Plaintiffs move this Court to:

- 9 1. Finally adjudicate the Settlement is fair, reasonable, and adequate;
- 10 2. Direct distribution of Individual Class and PAGA Payments by the Administrator to
11 all Participating Class Members and Aggrieved Employees in accordance with the Agreement;
- 12 3. Approve, and direct payment to Class Counsel of, the Class Counsel Fees Payment of
13 \$833,333.33 and the Class Counsel Litigation Expenses Payment of \$21,290.01;
- 14 4. Approve and direct the Class Representative Service Payment of \$10,000.00 to named
15 Plaintiff Angel Caracoza;
- 16 5. Approve and direct the Class Representative Service Payment of \$10,000.00 to named
17 Plaintiff Daniel Ortiz;
- 18 6. Approve, and direct the payment to appointed administrator Simpluris, Inc. of, the
19 Administration Expenses Payment of \$23,000.00 for its fees and costs in administering the
20 Settlement;
- 21 7. Approve the LWDA PAGA Payment to California’s Labor and Workforce
22 Development Agency of \$75,000.00 (75% of \$100,000.00);
- 23 8. Direct the Clerk of the Court to enter final judgment, and without affecting the finality
24 of the final judgment, reserve the Court’s jurisdiction over the Parties to enforce the Agreement.

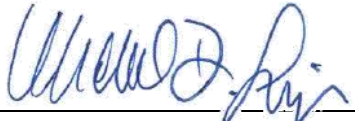
25 This proposed Settlement, preliminarily approved by this Court on February 22, 2024, is the
26 product of arms’-length, good-faith negotiations, is fair and reasonable to the Class, and should be
27 finally approved, as more fully discussed in the accompanying Memorandum in Support of Final
28 Approval.

1 This motion is based on this Notice of Motion, the Memorandum of Points and Authorities in
2 Support, Declarations of Class Counsel Haig B. Kazandjian, Michael D. Singer, and Walter L.
3 Haines, Declarations of Plaintiffs Angel Caracoza and Daniel Ortiz filed December 8, 2023,
4 Declaration of Markus Bulthuis on behalf of Simpluris, Inc., the Agreement, Notice of Class Action
5 Settlement, Order Granting Preliminary Approval of Class Action Settlement issued February 22,
6 2024, the [Proposed] Order Granting Final Approval of Class Action Settlement, the [Proposed]
7 Judgment, the Court's files in this matter, and any other documents or evidence the Court may
8 consider at the hearing.

9 Respectfully submitted,

10 COHELAN KHOURY & SINGER
11 UNITED EMPLOYEES LAW GROUP, PC
12 HAIG B. KAZANDJIAN LAWYERS, APC

13 Dated: July 23, 2024

14 By: 

15 Michael Singer, Esq.

16 Rosemary C. Khoury, Esq.

17 Haig B. Kazandjian, Esq.

18 Cathy Gonzalez, Esq.

19 Attorneys for Plaintiffs
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