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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **IN AND FOR THE COUNTY OF SAN DIEGO**

14 MARTINA AVERY, an individual, on
15 behalf of herself, and on behalf of all
16 persons similarly situated,

17 Plaintiff,

18 vs.

19 SLEEP DATA SERVICES LLC, a
20 California Limited Liability Company;
21 and Does 1 through 50, inclusive,

22 Defendants.

Case No. **37-2020-00032747-CU-OE-CTL**

**NOTICE OF MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: February 17, 2023

Hearing Time: 8:30 a.m.

*[Hearing scheduled by Orders dated June 16,
2022 and November 15, 2022]*

Dept.: C-74

Judge: Hon. Keri Katz

Action Filed: September 17, 2020

Trial Date: Not Set

1 **TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 YOU ARE HEREBY NOTIFIED THAT at 8:30 a.m. on February 17, 2023 or as soon thereafter
3 as the matter can be heard, in Department 74 of the above entitled Court before the Honorable Keri
4 Katz, Plaintiff Martina Avery ("Plaintiff") will move for an order granting (1) Final Approval of the
5 Class Action Settlement, and (2) Entry of the Final Approval Order and Judgment.

6 This motion is brought in accordance with the Orders dated June 16, 2022 and November 15,
7 2022, and California Rules of Court, rule 3.769. This Motion will be based on this notice, the
8 accompanying points and authorities, the Declaration of Norman Blumenthal, the Class Action
9 Settlement Agreement (the "Agreement"), the Declaration of Stephen Gomez (the Settlement
10 Administrator), the Declaration of Plaintiff Avery, and the complete files and records in this action.

11 Because Plaintiff and Defendant Sleep Data Services LLC ("Defendant") have agreed to the
12 proposed class settlement and have met and conferred regarding the motion, this motion is not opposed.
13 There have been no objections submitted by the Class.

14 Respectfully submitted,

15 Dated: January 25, 2023

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

17
18 By: /s/ Kyle Nordrehaug
Norman B. Blumenthal, Esq.
Kyle R. Nordrehaug, Esq.
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20 Attorneys for Plaintiff