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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

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

Plaintiff,

vs.

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

Defendants.

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

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

Hearing Date: June 3, 2022

Hearing Time: 8:30 a.m.

Reservation No. 2486076

Dept.: C-74

Judge: Hon. Keri Katz

Action Filed: September 17, 2020

Trial Date: Not Set

TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

YOU ARE HEREBY NOTIFIED THAT on June 3, 2022 at 8:30 a.m., in Department
74 of the above entitled Court before the Honorable Keri Katz, Plaintiff Martina Avery
("Plaintiff") will apply for an order: (1) preliminarily approving the proposed settlement of

1 this class action with Defendant Sleep Data Services LLC (“Defendant”); (2) for settlement
2 purposes only, conditionally certifying the Class, which is comprised of “all individuals who
3 worked for Defendant in California as non-exempt employees at any time during the Class
4 Period ” of April 22, 2019 to September 22, 2021; (3) provisionally appointing Plaintiff as
5 the representatives of the Class; (4) provisionally appointing Norman B. Blumenthal, Kyle
6 R. Nordrehaug, Aparajit Bhowmik, Piya Mukherjee, and Charlotte James of Blumenthal
7 Nordrehaug Bhowmik De Blouw LLP as Class Counsel for the Class; (5) approving the
8 form and method for providing class-wide notice; (6) directing that notice of the proposed
9 settlement be given to the class; (7) appointing Simpluris as Settlement Administrator, and
10 (8) scheduling a final approval hearing date to consider Plaintiff’s motion for final approval
11 of the settlement and entry of the Judgment, and Plaintiff’s motion for approval of attorneys’
12 fees and expenses.

13 This motion for preliminary approval of the class settlement is brought pursuant to
14 California Rules of Court, rule 3.769. Plaintiff’s motion will be based on this notice of
15 motion and motion, the accompanying memorandum of points and authorities, the
16 Declaration of Kyle Nordrehaug, the Class Action Settlement Agreement (“Agreement”)
17 between the parties, and the complete files and records in this action. Because all parties
18 have agreed to the proposed class settlement, this motion is not opposed by Defendant.

19 Respectfully submitted,

20 Dated: February 17, 2022

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

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22 By: /s/ Kyle Nordrehaug
23 Norman B. Blumenthal, Esq.
24 Kyle R. Nordrehaug, Esq.
25 Attorney for Plaintiff
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