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Attorneys for Plaintiff Francisco Schiller, on behalf of himself

and as representative for the State of California on behalf of all other aggrieved employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

FRANCISCO SCHILLER, on behalf of
himself and as representative for the State of
California on behalf of all other aggrieved
employees,

Plaintiff,

v.

ASHLEY DISTRIBUTION SERVICES,
LTD., a Wisconsin Limited Company; and
DOES 1 through 10, Inclusive,

Defendants.

LEAD CASE NO. CIVDS2013264

Consolidated with Case No. CIVDS2014776

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Jessica Morgan

Department S26

CLASS AND REPRESENTATIVE ACTION

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

Date: November 29, 2023

Time: 8:30 a.m.

Dept: 26

Judge: Hon. Jessica Morgan

Complaint filed: June 16, 2020

Trial Date: Not set

1 PLEASE TAKE NOTICE, on November 29, 2023 at 8:30 a.m., or as soon as the matter
2 may be heard in Department 26 of the above-captioned court located at 247 West Third Street,
3 San Bernardino, California 92415-0210, Honorable Jessica Morgan presiding, Plaintiff
4 Francisco Schiller, on behalf of himself and the putative class, will move this Court for an
5 Order:

6 1. Preliminarily approving the Class Action and Private Attorney Generals Act
7 Settlement as fair, adequate, and reasonable based upon the terms set forth in the Class Action
8 and PAGA Settlement Agreement and Class Notice ("Agreement"), and payment by Defendant
9 Ashley Distribution Services, Ltd. of the \$350,000 Gross Settlement Amount;

10 2. Conditionally certifying the above-captioned case as a class action for
11 settlement purposes only;

12 3. Approving the Notice of Class Action Settlement be mailed together with a
13 Change of Address Form, via first class U.S. Mail to all members of the Settlement Class
14 advising them of the pendency of the Action, the proposed Settlement, the manner and
15 procedure for submitting requests for exclusion and objections to the Settlement, of the
16 automatic payment of their share of the Settlement funds without the need to return a claim
17 form, of the date set for the Final Approval hearing, and of their right to appear at the time of
18 the Final Approval hearing;

19 4. Appointing Sahag Majarian of Law Offices of Sahag Majarian II, and Michael
20 D. Singer and Rosemary C. Khoury of Cohelan Khoury & Singer, as Class Counsel;

21 5. Appointing Plaintiff Francisco Schiller as Class Representative;

22 6. Appointing CPT Group, Inc. as the Settlement Administrator to administer the
23 Settlement of this matter as set forth in the Agreement; and

24 7. Setting a hearing date to consider Final Approval of the Settlement.

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1 This motion is based on this Notice of Motion, Memorandum of Points and Authorities,
2 the Declarations of Class Counsel Michael D. Singer and Sahag Majarian II, Plaintiff Francisco
3 Schiller, and Julie Green for CPT Group, Inc., the Agreement, Notice of Class Action
4 Settlement, the [Proposed] Order Granting Preliminary Approval, and the Court's files in this
5 matter.

6 COHELAN KHOURY & SINGER
7 LAW OFFICES OF SAHAG MAJARIAN II
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9 Dated: September 12, 2023

10 By: Rosemary Khoury
Michael Singer, Esq.

11 Rosemary C. Khoury, Esq.
12 Attorneys for Plaintiff Francisco Schiller, on behalf of
13 himself and as representative for the State of California
14 on behalf of all other aggrieved employees
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