

1 **COHELAN KHOURY & SINGER**

2 Michael D. Singer (SBN 115301)

3 msinger@ckslaw.com

4 Rosemary C. Khoury (SBN 331307)

5 rkhoury@ckslaw.com

6 605 C Street, Suite 200

7 San Diego, CA 92101

8 Telephone: (619) 595-3001/Facsimile: (619) 595-3000

9 **LAW OFFICES OF SAHAG MAJARIAN II**

10 Sahag Majarian II (SBN 146621)

11 sahagii@aol.com

12 18250 Ventura Blvd.

13 Tarzana, CA 91356

14 Tel: (818) 609-0807/Facsimile: (818) 609-0892

15 Attorneys for Plaintiff Francisco Schiller, on behalf of himself
16 and as representative for the State of California on behalf of all other aggrieved employees

17 **SUPERIOR COURT OF CALIFORNIA**

18 **FOR THE COUNTY OF SAN BERNARDINO**

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

22 Plaintiff,

23 v.

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

27 Defendants.

28 LEAD CASE NO. CIVDS2013264

Consolidated with Case No. CIVDS2014776

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Jessica Morgan

Department S26

CONSOLIDATED ACTION

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

Date: May 23, 2024

Time: 8:30 a.m.

Dept: 26

Judge: Hon. Jessica Morgan

Complaint filed: June 16, 2020

Trial Date: Not set

PLEASE TAKE NOTICE that on May 23, 2024, at 8:30 a.m., or as soon as the matter may be heard in Courtroom S-26 of the above-captioned court, located at 247 West Third Street, San Bernardino, California, 92415, the Honorable Jessica Morgan presiding, Plaintiff Francisco Schiller (“Plaintiff”), on behalf of himself and the putative class, will move this Court for an Order Granting Final Approval of Class Action and PAGA Representative Settlement as set forth in the Class and Private Attorneys General Act (“PAGA”) Settlement Agreement filed September 13, 2023 (“Agreement”).

Plaintiff moves this Court to:

1. Finally adjudicate the Settlement is fair, reasonable, and adequate;
2. Direct distribution of Individual Class and PAGA Payments by the Administrator to all Participating Class Members and Aggrieved Employees in accordance with the Agreement;
3. Approve, and direct payment to Class Counsel of, the Class Counsel Fees Payment of \$116,666.67 and the Class Counsel Litigation Expenses Payment of \$20,000.00.¹
4. Approve and direct the Class Representative Service Payment of \$10,000.00 to named Plaintiff Francisco Schiller.
5. Approve, and direct the payment to appointed administrator CPT Group, Inc. of, the Administration Expenses Payment of \$10,000.00 for its fees and costs in administering the Settlement;
6. Approve the LWDA PAGA Payment to California’s Labor and Workforce Development Agency of \$13,125.00 (75% of \$17,500.00); and,
7. Direct the Clerk of the Court to enter final judgment, and without affecting the finality of the final judgment, reserve the Court’s jurisdiction over the Parties to enforce the Agreement.

This proposed Settlement, preliminarily approved by this Court on November 28, 2023, is the product of arms’-length, good-faith negotiations, is fair and reasonable to the Class, and should be finally approved, as more fully discussed in the accompanying Memorandum in Support of Final Approval.

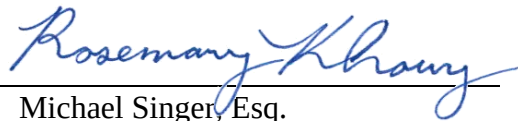
¹ Actual Class Counsel Litigation Expenses were \$20,258.46 (\$11,896.21, for Cohelan Khoury & Singer, plus \$8,362.25, for Law Offices of Sahag Majarian II). But Class Counsel seeks only \$20,000 for this payment because this was the maximum specified in the Settlement Agreement and Class Notice.

1 This motion is based on this Notice of Motion, the Memorandum of Points and Authorities in
2 Support, Declarations of Class Counsel Michael D. Singer and Sahag Majarian II, Declaration of
3 Plaintiff Francisco Schiller, Declaration of Chantal Soto-Najera for CPT Group, Inc., the Agreement,
4 Notice of Class Action Settlement, Order Granting Preliminary Approval of Class Action Settlement
5 issued November 28, 2023, the [Proposed] Order Granting Final Approval of Class Action and PAGA
6 Settlement, the [Proposed] Judgment, the Court's files in this matter, and any other documents or
7 evidence the Court may consider at the hearing.

8 Respectfully submitted,

9 COHELAN KHOURY & SINGER
10 LAW OFFICES OF SAHAG MAJARIAN II

11
12 Dated: April 29, 2024

By: 

Michael Singer, Esq.

Rosemary C. Khoury, Esq.

13 Attorneys for Plaintiff Francisco Schiller, on behalf of
14 himself and as representative for the State of California
15 on behalf of all other aggrieved employees
16
17
18
19
20
21
22
23
24
25
26
27
28