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16 *Attorneys for Plaintiffs and the Putative Class*

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **COUNTY OF SAN BERNARDINO**

19 **SARAH P. ESPINOZA,**

20 **Plaintiffs,**

21 **vs.**

22 **LOVE'S COUNTRY STORES OF**
23 **CALIFORNIA;**
24 **and DOES 1-100, inclusive,**

25 **Defendants.**

Case No.: CIVDS2016481

**NOTICE OF MOTION AND PLAINTIFF'S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: November 16, 2021
Time: 9:00 a.m.
Dept.: S-26
Judge: Hon. David Cohn

1 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE THAT, on November 16, 2021 at 9:00 a.m. in Department S-26 of
3 the above-captioned court, or as soon thereafter as this matter can be heard, Plaintiffs Estefania
4 Renteria (“Renteria”) and Sarah Espinoza (“Espinoza”) (collectively “Plaintiffs”) will bring on for
5 hearing before the Honorable Judge David Cohn, this unopposed Motion for Preliminary Approval
6 of Class Action Settlement (the “Motion”).¹ The Motion respectfully requests the Court grant:

- 7 1. Preliminary and conditional certification of the Class described in the proposed
8 Stipulation of Settlement of Class Action and PAGA Action and Release of Claims
9 (“Settlement Agreement” or “SA”), which is attached as Exhibit 1 to the Declaration of
10 Jenny D. Baysinger submitted concurrently herewith;
 - 11 2. Preliminary approval of Plaintiffs Renteria and Espinoza as Class Representatives;
 - 12 3. Preliminary approval of JCL Law Firm, APC, Zakay Law Group, APLC, and Mayall
13 Hurley P.C. as Class Counsel;
 - 14 4. Preliminary approval of the Settlement Agreement, finding it to be fair, reasonable,
15 adequate, and in the collective best interest of the Class;
 - 16 5. Approval as to the form and content of the proposed Class Notice, a copy of which is
17 attached as Exhibit A to the Settlement Agreement;
 - 18 6. Approval as to the method of notice described in the Settlement Agreement;
 - 19 7. Authorization for dissemination of the Class Notice pursuant to the terms of the
20 Settlement Agreement;
 - 21 8. An order appointing and approving ILYM Group, Inc. as Settlement Administrator, and
22 for preliminary approval of the costs of administration as declared, not to exceed
23 \$16,763.60.
 - 24 9. Preliminary approval of the proposed PAGA Settlement of \$80,000 and payment to the
25 LWDA of \$60,000;
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¹ Defendant Love’s Country Stores of California does not oppose the relief sought by the Motion.

- 1 10. Preliminary approval of a Class Representative Service Awards in the amount of
2 \$10,000 to each Plaintiff in consideration for each's respective service as Class
3 Representative;
4 11. Preliminary approval of fees to Class Counsel in the amount of or one-third of the
5 Gross Settlement Amount (presently expected to be \$700,000), and declared costs of up
6 to \$30,000;
7 12. An Order of Preliminary Approval containing a schedule for the implementation of the
8 terms of the Settlement Agreement, including deadlines for mailing Notice Packets, the
9 filing of opt-outs and/or objections, and the filing of papers in connection with the Final
10 Approval Hearing; and
11 13. An order setting the Final Approval Hearing for the Court to consider final approval of
12 the Settlement Agreement and its terms, as well as an award of attorneys' fees and costs
13 for Class Counsel, and the Class Representative Service Awards for Plaintiffs.

14 This Motion is based on the Notice of Motion; the Memorandum of Points and Authorities; the
15 accompanying Declarations of Jenny D. Baysinger, with exhibits (including the Settlement
16 Agreement), the pleadings, orders, and other papers on file in this matter; and any further evidence and
17 arguments as may be presented at the hearing of this matter.

18 Notice: The Superior Court in and for San Bernardino County has adopted a tentative rulings
19 system that is described in San Bernardino County Local Rule 561. A judicial officer *may* provide
20 tentative rulings. If a tentative ruling is provided, it may be obtained by accessing the court's website
21 at <https://sb-court.org> after 3:00 p.m. on the court day before the scheduled hearing, or by telephoning
22 the Administrative Assistant for Department S-26 at (909) 521-3085. Any party who wishes to orally
23 argue the motion may appear at the date and time scheduled for the hearing, there is no need to
24 provide notice of intent to appear. If the parties do not wish to contest the tentative, no appearance

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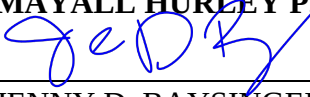
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1 will be necessary if the department's judicial assistant is notified the parties wish to submit on the
2 tentative before 4:00 p.m. the court day prior to the hearing.

3 **MAYALL HURLEY P.C.**

4 **DATED:** October 22, 2021

By


JENNY D. BAYSINGER

Attorneys for Plaintiffs and the Putative Class