

David P. Myers (SBN 206137)
Robert M. Kitson (SBN 214091)
Jason Hatcher (SBN 285481)
THE MYERS LAW GROUP, A.P.C.
9327 Fairway View Place, Ste. 100
Rancho Cucamonga, CA 91730
Telephone: (909) 919-2027
Facsimile: (888) 375-2102

Attorneys for Plaintiff Charles Rodriguez, on behalf of himself
and all others similarly situated

Additional counsel listed on the next page.

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

CHARLES RODRIGUEZ, an individual, on
behalf of himself and all others similarly
situated

Plaintiff,

vs.

US BANK NATIONAL ASSOCIATION, dba
US BANK; and DOES 1 through 100,
inclusive

Defendants.

Case No. BC617356

Assigned To: Hon. Amy D. Hogue; Dept. 7

CLASS ACTION

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

Date: March 9, 2022

Time: 11:00 a.m.

Courtroom: 7

Complaint Filed: *April 15, 2016*

1 Larry W. Lee (State Bar No. 228175)
2 Kristen M. Agnew (State Bar No. 247656)
3 Nicholas Rosenthal (State Bar No. 268297)

4 **DIVERSITY LAW GROUP, P.C.**

5 515 S. Figueroa Street, Suite 1250
6 Los Angeles, CA 90071
7 (213) 488-6555
8 (213) 488-6554 facsimile

9 William L. Marder (State Bar No. 170131)

10 **Polaris Law Group LLP**

11 501 San Benito Street, Suite 200
12 Hollister, CA 95023
13 Tel: (831) 531-4214
14 Fax: (831) 634-0333

15 Attorneys for Plaintiff Ali Malik, Atefeh Yousefi,
16 and all others similarly situated.
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TO THE COURT AND DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 9, 2022 at 11:00 a.m. in Department 7 of the above entitled Court, with the Honorable Amy D. Hogue presiding at Los Angeles Superior Court, 312 N. Spring St., Los Angeles, 90012, or as soon thereafter as the matter can be heard, Plaintiffs Charles Rodriguez, Ali Malik, and Atefeh Yousefi (“Plaintiffs”), on behalf of themselves and all others similarly situated, by and through their counsel of record, will and hereby do move the Court for an Order:

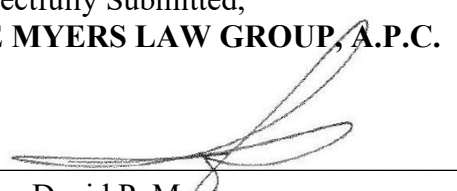
1. Granting preliminary approval of the class action settlement reached in this matter;
2. Appointing Simpluris, Inc. as the Settlement Administrator;
3. Provisionally certifying the Settlement Class for settlement purposes only;
4. Approving as to form the Notice of Settlement to the Settlement Class and ordering the Notice to be distributed to the Settlement Class;
5. Appointing Plaintiffs as the Class Representatives;
6. Appointing David P. Myers, Robert M. Kitson, and Jason Hatcher of The Myers Law Group, A.P.C.; Larry W. Lee, Kristen M. Agnew, and Nicholas Rosenthal of Diversity Law Group, P.C.; and William L. Marder of Polaris Law Group LLP, as Class Counsel;
7. Grant leave and deemed filed the Fourth Amended Complaint in the *Rodriguez* matter;
8. Setting this matter for hearing on the issues of final approval of the class action settlement, approval of the Service Awards to named Plaintiffs, and approval of Plaintiffs’ Counsel’s Attorneys’ Fees and Litigation Expense reimbursement;
9. Granting all other and further relief as the Court deems just and proper.

This Motion is made pursuant to Rule 3.769 of the California Rules of Court and on the grounds that the settlement reached with Defendant U.S. Bank National Association was achieved as the result of informed arm’s length negotiations; is reasonable, fair, and adequate; and is deserving of approval for the benefit of the Settlement Class.

1 The current Motion is based on this Notice of Motion and Motion, the accompanying
2 Memorandum of Points and Authorities, the Declarations of Charles Rodriguez, Ali Malik, Atefeh
3 Yousefi, the Declarations of Jason Hatcher and Nick Rosenthal, as well as the exhibits attached
4 hereto, the Court's file in this matter, and such further evidence and argument as may be heard by
5 the Court.

6
7 Dated: November 29, 2021

Respectfully Submitted,
THE MYERS LAW GROUP, A.P.C.

8
9 By: 

10 David P. Myers,
11 Robert M. Kitson,
12 Jason Hatcher
13 Attorneys for Plaintiffs, on behalf of himself,
14 and all others similarly situated
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PROOF OF SERVICE

I am employed in the office of a member of the bar of this Court at whose direction this service was made. I am over the age of 18 and not a party to the within action; my business address is 9327 Fairway View Place, Ste. 100, Rancho Cucamonga, California 91730.

On November 29, 2021, I served the foregoing document described as **PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties in this action as follows:

Joan B. Tucker Fife
jfife@winston.com
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111
Attorneys for Defendant US Bank National Association
SERVICE BY CASEANYWHERE

Tristan R. Kirk
tkirk@winston.com
Emile C. Woodhead
ewoodhead@winston.com
WINSTON & STRAWN LLP
333 South Grand Avenue, Suite 3800
Los Angeles, CA 90071
Attorneys for Defendant US Bank National Association
SERVICE BY CASEANYWHERE

Larry W. Lee
lwlee@diversitylaw.com
Kristen M. Agnew
kagnew@diversitylaw.com
Nicholas Rosenthal
nrosenthal@diversitylaw.com
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
Attorneys for Plaintiff Ali Malik and Atefeh Yousefi
SERVICE BY EMAIL

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I am "readily familiar" with the firm's practice of services of process. Under that

PROOF OF SERVICE

practice, this document would be deposited:

(VIA E-SERVICE) I caused the document(s) to be served by CASEANYWHERE by transmitting a true and correct copy to CASEANYWHERE to serve the parties listed above; and

(BY EMAIL) I caused the document(s) to be sent to the person(s) at the electronic address(es) listed above.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 29, 2021 at Rancho Cucamonga, California.

Yvonne Medina