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on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

JULIO OCHOA, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SPEECH AND LANGUAGE
DEVELOPMENT CENTER, INC.; and
DOES 1 through 25, inclusive

Defendants.

Case No. 30-2020-01143577-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:

The Honorable Lon F. Hurwitz

Department CX103

CLASS ACTION

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

Hearing Set by Court Order - ROA #194

Date: May 17, 2024

Time: 1:30 p.m.

Dept: CX 103

Judge: Hon. Lon F. Hurwitz

Complaint filed: June 18, 2020

Trial date: Not set

PLEASE TAKE NOTICE on May 17, 2024 at 1:30 p.m. or as soon as the matter may be heard in Department CX-103 of the above-captioned Court located at 751 West Santa Ana Blvd., Santa Ana, California 92701, Honorable Lon F. Hurwitz presiding, Plaintiff Julio Ochoa, on behalf of himself and the putative class, will move this Court for an Order Granting Final Approval of Class Action Settlement and Entering Judgment as set forth in the Amended Settlement Agreement and Release of Class and Representative Action, (ROA #137), First Amendment to Settlement Agreement, (ROA #174), (together, the "Settlement Agreement"), and the Order Granting Preliminary Approval of Class Action Settlement (ROA #194).

Plaintiff moves this Court to:

1. Finally adjudicate the Settlement is fair, reasonable, and adequate;
2. Direct distribution of Individual Settlement Payments by the Settlement Administrator to all Participating Class Members and Aggrieved Employees in accordance with the Settlement Agreement;
3. Approve and direct payment to Class Counsel for their attorneys' fees in the sum of \$250,000.00 and reimbursement of their litigation costs of \$9,976.46;
4. Approve and direct the Class Representative Service Payment of \$5,000.00 to Plaintiff Julio Ochoa;
5. Approve and direct the payment to Simpluris, Inc., the appointed Settlement Administrator, of \$6,000.00 for its fees and costs in administering the Settlement;
6. Approve the PAGA Payment to California's Labor and Workforce Development Agency of \$18,750.00 (75% of \$25,000.00); and,
7. Direct the Clerk of the Court to enter final judgment, and without affecting the finality of the judgment, to reserve the Court's continuing jurisdiction over the Parties to implement, enforce, effectuate, or administer the terms of the Settlement Agreement.

This motion is made on the grounds that the proposed Settlement, preliminarily approved by this Court on January 4, 2024 (ROA #194), 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 This motion is based on this Notice of Motion, the Memorandum of Points and
2 Authorities in Support, Declarations of Class Counsel Jeff Geraci and Jonathan M. Lebe,
3 Plaintiff Julio Ochoa, and Lisa Pavlik on behalf of Simpluris, Inc., the Settlement Agreement,
4 Notice of Class Action Settlement, Order Granting Preliminary Approval of Class Action
5 Settlement issued January 4, 2024 (ROA #194), the [Proposed] Order Granting Final Approval
6 of Class Action Settlement and Entering Judgment, the Court's files in this matter, including the
7 Motion for Preliminary Approval of Class Action Settlement and supplemental briefing, and
8 any other documents or evidence the Court may consider at the hearing.

9 Respectfully submitted,

10 **LEBE LAW, APLC**
11 **COHELAN KHOURY & SINGER**

12
13 Dated: April 25, 2024

By: _____



Jeff Geraci

14 Attorneys for Plaintiff Julio Ochoa, individually
15 and on behalf of all others similarly situated
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