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on behalf of themselves and all others similarly situated

ADDITIONAL COUNSEL ON NEXT PAGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MARIN

MARIE DEMARTINI, WILLIE
AUSTIN, JR., and JOSE SOTO, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

SAFELITE FULFILLMENT, INC.,
DBA SAFELITE AUTO GLASS,
a Delaware Corporation; SAFELITE
SOLUTIONS, LLC, a Delaware
Corporation; BARRETT BUSINESS
SERVICES, INC., a Maryland
Corporation; and DOES 1-50, inclusive,

Defendants.

Case No. CIV2002076

Assigned for all purposes to:
Hon. Sheila Lichtblau, Dept. H

CLASS AND REPRESENTATIVE ACTION

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

[Filed concurrently with Memorandum of Points
and Authorities, Declarations of James R.
Hawkins, Kyle Nordrehaug, Marie DeMartini,
Willie Austin Jr., Jose Soto, and [Proposed]
Order]

Date: [REDACTED], 2024
Time: [REDACTED]
Dept.: Courtroom H
Judge: Hon. Sheila Lichtblau

1
2 Norman B. Blumenthal, State Bar
3 No. 068687
4 Kyle R. Nordrehaug, State Bar No.
5 205975
6 Aparajit Bhowmik, State Bar No.
7 248066
8 Piya Mukherjee, State Bar No.
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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on _____, 2024 at _____ a.m./p.m., or as
3 soon thereafter as this matter may be heard in Department H of the Marin County Superior Court,
4 located at 3501 Civic Center, San Rafael, CA 94903, Plaintiffs Marie DeMartini, Willie Austin Jr.,
5 and Jose Soto (“Named Plaintiffs”), by and through their counsel of record, will and hereby do,
6 move the Court for an order:

- 7 1. Provisionally certifying the Settlement Class for settlement purposes only;
- 8 2. Granting preliminary approval of the Settlement reached in this matter;
- 9 3. Approving as to form the Notice of Class Action Settlement and ordering that the
10 Notice of Proposed Class Action and PAGA Settlement be distributed to all Class Members;
- 11 4. Appointing Named Plaintiffs Marie DeMartini, Willie Austin Jr., and Jose Soto as
12 the Class Representatives;
- 13 5. Appointing ILYM Group, Inc. as the Settlement Administrator;
- 14 6. Appointing James R. Hawkins, Christina M. Lucio, and Mitchell J. Murray of James
15 Hawkins APLC and Norman B. Blumenthal, Kyle R. Nordrehaug and Aparajit Bhowmik of
16 Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel; and
- 17 7. Setting this matter for a hearing on the issues of final approval of the proposed
18 Settlement, approval of the Class Representative Service Payment to the Class Representatives,
19 approval of the Class Counsel Attorneys’ Fees and Litigation Costs, approval of the Individual
20 Class Payment Allocation, approval of the PAGA Allocation, and approval of the Administration
21 Expenses.

22
23 This motion is brought pursuant to rule 3.769 of the California Rules of Court and Labor
24 Code section 2699(1)(2) on the grounds that the proposed Settlement was reached as a result of
25 informed arm’s-length negotiations and is within the range of reasonableness to be finally approved
26 as fair, adequate, and reasonable in all respects.

27 This Motion is based upon this Notice, the accompanying Memorandum of Points and
28 Authorities, the parties’ Class Action and PAGA Settlement Agreement, the declarations of

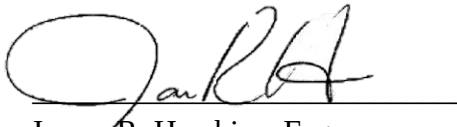
1 James R. Hawkins, and Kyle R. Nordrehaug, and Plaintiffs Marie DeMartini, Willie Austin, Jr.,
2 and Jose Soto, the accompanying exhibits, which are filed and served concurrently with this
3 motion, all pleadings and papers filed in this action, and upon any such other evidence or
4 argument that may be presented to the Court at the time of the hearing.

5 Given the multiplicity of issues addressed herein, Plaintiffs' memorandum of points and
6 authorities necessitates exceeding the 15-page limit set forth in California Rule of Court 3.113(d).
7 As this Motion is unopposed, Plaintiff respectfully requests that the Court consider the entire
8 Motion, which is 25 pages in length.

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10 Dated: May 8, 2024

JAMES HAWKINS APLC

**BLUMENTHAL NORDREHAUG BHOWMIK DE
BLOUW LLP**

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James R. Hawkins, Esq.

15 Attorneys for Plaintiffs MARIE DEMARTINI, WILLIE
16 AUSTIN, JR., and JOSE SOTO on behalf of themselves
17 and all others similarly situated.
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