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Attorneys for Plaintiffs Cheryl Foster and Travonn Haley,
on behalf of themselves and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

CHERYL FOSTER, an individual;
TRAVONN HALEY, an individual, on behalf
of themselves and others similarly situated,

Plaintiffs,

vs.

DECKERS OUTDOOR CORPORATION, a
Delaware corporation; REAL TIME
STAFFING SERVICES, LLC, a limited
liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 20CV03699

CLASS ACTION

Assigned for All Purposes to
The Honorable Donna D. Geck

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR AN ORDER (1)
PRELIMINARILY APPROVING THE
CLASS ACTION SETTLEMENT; (2)
APPROVING NOTICE OF CLASS
ACTION SETTLEMENT; AND (3)
SETTING HEARING FOR FINAL
APPROVAL**

*[Filed concurrently with Plaintiff's
Memorandum of Points and Authorities;
Declaration of David Yeremian; and
[Proposed] Order]*

Date: October 29, 2021
Time: 10: 00 a.m.
Dept: 4

1 **TO THE COURT AND DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on October 29, 2021 at 8:30 a.m., or as soon thereafter as
3 this matter may be heard, at Department 4, located at 1100 Anacapa Street, Santa Barbara,
4 California, 93101, Plaintiff Cheryl Foster and Travonn Haley (collectively “Plaintiffs”), on behalf
5 of themselves and all persons similarly situated, will and hereby move this Court pursuant to
6 California Code of Civil Procedure § 382 and California Rule of Court 3.769 for an order:

7 (1) Preliminarily approving the class action settlement reached between Plaintiffs and
8 Defendant Deckers Outdoor Corporation and Staffing Services, LLC (collectively
9 “Defendants”), including granting preliminary approval of the following class: “all
10 hourly paid workers directly employed by Deckers and/or employed by Real Time and
11 placed on assignment at any Deckers facility in California at any time from June 1,
12 2016 through November 21, 2021.”

13 (2) Approving the form of Notice of Class Action Settlement and procedure for notice to
14 the class; and

15 (3) Setting the final approval hearing.

16 Pursuant to Labor Code § 2699.3(b)(4), the Parties also seek approval of the proposed
17 settlement’s allocation of funds to claims made under the Labor Code Private Attorneys General
18 Act of 2004 (“PAGA”).

19 Pursuant to the proposed Joint Stipulation of Class Action Settlement (“Settlement” or
20 “Settlement Agreement”), filed concurrently herewith, Defendants do not oppose the preliminary
21 approval of the class action settlement.

22 Under the terms of the Settlement, the parties have agreed that all claims brought on
23 behalf of the Class Members shall be fully and finally resolved for the total sum of One Million
24 One Hundred Fifty Thousand Dollars and Zero Cents (\$1,150,000) (“Gross Settlement Amount”)
25 to be paid on a non-reversionary basis. The amount remaining of the Gross Settlement Amount
26 after the following deductions have been made (“Net Settlement Amount”) shall be available for
27 distribution to Class Members who do not opt out of the settlement:

- 28 • not more than Three Hundred Eighty Three Thousand Three Hundred Thirty Three

1 Dollars and Thirty Three Cents (\$383,333.33) to Class Counsel for Attorneys'
2 Fees, and not more than Twenty Thousand Dollars and Zero Cents (\$20,000.00) in
3 Attorneys' Costs;

- 4 • not more than Twenty Five Thousand Five Hundred Nineteen Dollars and Zero
5 Cents (\$25,519.00) for the Settlement Administration Fees;
- 6 • not more than Ten Thousand Dollars and Zero Cents (\$10,000.00) to each of the
7 two Plaintiffs for a Class Representative Incentive Award; and
- 8 • Fifty Thousand Dollars and Zero Cents (\$50,000.00) for civil penalties to the
9 PAGA claim, where 75% (\$37,500.00) will be paid to the LWDA and 25%
10 (\$12,500.00) will be included in the Net Settlement Amount and distributed to
11 Settlement Class Members).

12 This Notice of Motion and Motion is based on the fact that this is a fair and reasonable
13 settlement that benefits the class and was the product of informed, non-collusive negotiations by
14 the parties who were represented by experienced and able counsel. *See Dunk v. Ford Motor Co.*
15 (1996) 48 Cal. App. 4th 1794, 1802; Manual for Complex Litigation (Second) (1985)§ 30.44. The
16 proposed settlement meets the legal standard for preliminary approval and is in the best interests
17 of the class; the proposed form of notice explains the settlement terms in a clear and
18 straightforward manner; the proposed procedures for notice provide the best practical notice to
19 the class; and that Class Members will have an opportunity to participate in and/or object to the
20 settlement and/or opt-out of the settlement.

21 This Notice of Motion and Motion is based on this Notice, and the exhibits thereto
22 (including the Notice to Class Members), the accompanying Memorandum of Points and
23 Authorities, the Declaration of David Yeremian, the pleadings, records and files in the case, and
24 such other further oral and documentary evidence which may be submitted at or before the
25 hearing on this Motion.

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1 Dated: September 17, 2021

Respectfully submitted,

2 DAVID YEREMIAN & ASSOCIATES, INC.

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4 By 

5 David Yeremian
6 Natalie Haritonian
7 Attorneys for Plaintiffs, CHERYL FOSTER and
8 TRAVONN HALEY, on behalf of themselves
9 and others similarly situated
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