

DOUGLAS HAN (SBN 232858)
SHUNT TATAVOS-GHARAJEH (SBN 272164)
ARSINÉ GRIGORYAN (SBN 319517)
JUSTICE LAW CORPORATION
751 N. Fair Oaks Avenue, Suite 101
Pasadena, California 91103
Telephone: (818) 230-7502
Facsimile: (818) 230-7502

MAYALL HURLEY P.C.
ROBERT J. WASSERMAN (SBN: 258538)
rwasserman@mayallaw.com
WILLIAM J. GORHAM (SBN: 151773)
wgorham@mayallaw.com
JENNY D. BAYSINGER (SBN: 251014)
jbaysinger@mayallaw.com
2453 Grand Canal Boulevard
Stockton, California 95207-8253
Telephone: (209) 477-3833
Facsimile: (209) 473-4818

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

JANET UGALE and JOBANY RODRIGUEZ,
individually, and on behalf of other members of
the general public similarly situated and on behalf
of aggrieved employees pursuant to the Private
Attorneys General Act ("PAGA");

Plaintiffs,

v.

ALLEN DISTRIBUTION, LP, a Pennsylvania
limited partnership; and DOES 1 through 100,
inclusive;

Defendants.

Electronically Filed
Superior Court of California
County of San Joaquin
2021-08-03 15:44:51
Clerk: Kristy Kobus

Motion for Approval of Class Settlement
09/02/2021 09:00 AM in 10D

Case No.: STK-CV-UOE-2020-0005807

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

Date: _____, 2021

Time: 9:00 a.m.

Dept.: 10D

Judge: Hon. Barbara A. Kronlund

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

3 PLEASE TAKE NOTICE that, on August _____, 2021, at 9:00 a.m., or as soon thereafter as
4 counsel may be heard in Department 10D of the above-entitled court, Plaintiffs Janet Ugale and
5 Jobany Rodriguez (collectively, “Plaintiffs”), will and hereby do bring this Unopposed Motion for
6 Preliminary Approval of Class Action Settlement (the “Motion”).¹ The Motion respectfully requests
7 the Court grant:

- 8 1. Preliminary approval of the Joint Stipulation of Class and Representative Action
9 Settlement and Release (“Settlement Agreement” or “SA”)², finding it to be fair,
10 reasonable, adequate, and in the best interest of the Class.
- 11 2. Preliminary and conditional certification, for settlement purposes only, of the Class and
12 Former Employee Sub-Class defined as follows:

13 Class

14 All current and former non-exempt California employees employed directly
15 by Defendant at any time between June 16, 2016 and May 4, 2021.

16 Former Employee Sub-Class

17 All members of the Class whose employment with Defendant ended at any
18 time between June 16, 2017 and May 4, 2021.

- 19 3. Preliminary approval of Plaintiffs Janet Ugale and Jobany Rodriguez as Class
20 Representatives;
- 21 4. Preliminary approval of Justice Law Corporation, by and through Douglas Han, Shunt
22 Tatavos-Gharajeh, and Mayall Hurley P.C., by and through Jenny D. Baysinger and
23 Robert J. Wasserman, as Class Counsel;
- 24 5. Approval as to the form and content of the proposed Class Notice, a copy of which is
25 attached as Exhibits A to the Settlement Agreement, or in form otherwise approved by the
26 Court;
- 27 6. Approval as to the method of notice described in the Settlement Agreement;

28 ¹ Defendant Allen Distribution, Inc. does not oppose the granting of this motion

² Capitalized terms herein shall have the same meaning as in the Settlement Agreement, a copy of which is attached as Exhibit 1 to the Declaration of Jenny D. Baysinger (“JDB Dec.”) filed concurrently herewith.

- 1 7. Authorization for dissemination of the Class Notice pursuant to the terms of the
- 2 Settlement Agreement;
- 3 8. An order appointing and approving Phoenix Class Action Administration Solutions
- 4 (“Phoenix”) as Claims Administrator, and for preliminary approval of the costs of
- 5 administration in an amount, as declared, not to exceed \$6,975;
- 6 9. Preliminary approval of Enhancement Payments in the amount of \$7,500 to each of
- 7 Plaintiff Janet Ugale and Plaintiff Jobany Rodriguez, for a total of \$15,000, in
- 8 consideration for their service as Class Representatives;
- 9 10. Preliminary approval of the Class Counsel fees in the amount of \$230,643, to be split
- 10 45% to Justice Law Corporation and 55% to Mayall Hurley, P.C., and Class Counsel
- 11 costs in an amount not to exceed \$20,000;
- 12 11. Approval of the PAGA allocation of \$40,000 to satisfy claims for civil penalties pursuant
- 13 to the PAGA (\$30,000 to LWDA and \$10,000 distributed to the Class Members who
- 14 were employed during the PAGA Period);
- 15 12. An Order of Preliminary Approval containing a schedule for the implementation of the
- 16 terms of the Settlement Agreement, including deadlines for the mailing the Class Notice,
- 17 the filing of objections and Opt-Outs, and the filing of papers in connection with the Final
- 18 Approval Hearing; and
- 19 13. An order setting the Final Approval Hearing for the Court to consider final approval of
- 20 the Settlement Agreement and its terms, an award of attorneys’ fees and costs for Class
- 21 Counsel.

22 This Motion is based on the Notice of Motion; the Memorandum of Points and Authorities;
23 the accompanying Declaration of Jenny D. Baysinger with exhibits (including the Settlement
24 Agreement), Declaration of Douglas Han, the pleadings, orders, transcripts, and other papers on file
25 in this matter; and any further evidence and arguments as may be presented at the hearing of this
26 matter.

27 PLEASE TAKE FURTHER NOTICE that Pursuant to San Joaquin County Local Rule 3-113,
28 subdivision (D), Judges assigned to civil law and motion matters will prepare a tentative ruling for

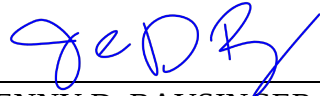
1 each matter on calendar and a ruling will be available to counsel and litigants on the first court day
2 before the scheduled hearing. If the tentative ruling is satisfactory to counsel, he or she need not
3 appear and the tentative ruling will become final. If counsel or self-represented litigants (SRL) wish
4 to appear, he or she may do so only after appropriately notifying the court and all other counsel or
5 SRL of that intent. The tentative ruling shall become the ruling of the court unless there is
6 opposition by counsel or SRL.

7 Counsel or self-represented litigants is responsible for reviewing the tentative ruling and
8 notifying the superior court, by calling (209) 992-5714, and all other counsel and self-represented
9 litigants no later than 4:00 p.m. on the day preceding the scheduled hearing of his or her intent to
10 appear to argue. The tentative rulings will be posted to the court's website: www.sjcourts.org.
11 Counsel or self-represented litigants may access the court's website beginning at 1:30 p.m. on the
12 court day immediately preceding the date for which a matter is calendared.

13 **DATED:** August 3, 2021

MAYALL HURLEY P.C.

14
15 By


JENNY D. BAYSINGER

ROBERT J. WASSERMAN

Attorneys for Plaintiffs and the Putative Class