

03/15/2024

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MARIN

JUAN CAAMAL,

Plaintiff,

v.

**TRG CA EMPLOYMENT, INC., a
corporation; TIBURON LODGE CA
HOTEL MANAGER, LLC, a limited
liability company; and DOES 1-100,
inclusive,**

Defendants.

Case No.: CIV-2001374

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

Date: April 11, 2024

Time: 9:00 a.m.

Courtroom: H

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

PLEASE TAKE NOTICE that on April 11, 2024 at 9:00 a.m., or as soon thereafter as may be heard, in Courtroom H of the above-entitled Court, Plaintiff Juan Caamal ("Caamal" or "Plaintiff"), individually and on behalf of a similarly situated class of individuals, will and does hereby move this Court for entry of an Order pursuant to California Code of Civil Procedure section 382 and California Rules of Court, Rule 3.769, as follows:

1. Confirming the certification of the Class, defined as "All current and former nonexempt California employees of Defendants [TRG CA Employment, Inc. and Tiburon Lodge CA Hotel Manager, LLC] who worked at least one shift between June 16, 2016 to September

1 15, 2022 (excluding any persons who previously settled any of the claims covered by this
2 Settlement).”

3 2. Confirming the certification of the following subclasses:

4 a. The “TRG Subclass” – All hourly-paid, nonexempt employees employed by TRG
5 CA Employment, Inc. in the State of California from June 16, 2016 to September
6 30, 2019.

7 b. The “Tiburon Lodge Subclass” – All other hourly-paid, nonexempt employees
8 employed by Tiburon Lodge CA Hotel Manager, LLC in the State of California
9 from August 20, 2019 through September 15, 2022.

10 3. Confirming the appointment of Plaintiff as Class Representative;

11 4. Confirming the appointment of Mayall Hurley P.C. as Class Counsel;

12 5. Granting final approval of the Joint Stipulation of Class Action and PAGA Settlement
13 Agreement and Release (“Settlement Agreement”); and

14 6. Setting a final compliance hearing on December 12, 2024, or thereafter as fits the Court’s
15 calendar.

16 This Motion is made on the following grounds: (1) the Class continues to meet the
17 requirements for class certification under Code of Civil Procedure section 382; (2) Plaintiff continues
18 to be an adequate representative of the Class; (3) the Settlement Agreement is a fair, adequate, and
19 reasonable compromise of disputed claims under the Labor Code; (4) the requested awards of Class
20 Counsel Attorney’s Fees, Class Counsel Costs, Class Representative Enhancement Award, and
21 Settlement Administration Costs (already approved preliminarily by the Court) are all fair, adequate,
22 and reasonable; and (5) in light of the foregoing, the [Proposed] Order and Judgment of Final
23 Approval of Class Action Settlement submitted herewith should be entered so as to give finality to,
24 and allow for disbursements from the Settlement.

25 This Motion is based on this Notice of Motion; the Memorandum of Points and Authorities; the
26 Declaration of John P. Briscoe; the Declaration of Gillian McCreedy Regarding Notice and Settlement
27 Administration; the pleadings, orders, transcripts, and other papers on file in this matter; and any
28 further evidence and arguments as may be presented at the hearing of this matter.

DATED: March 15, 2024

MAYALL HURLEY P.C.

By



ROBERT J. WASSERMANN

JOHN P. BRISCOE

Attorneys for Plaintiff

JUAN CAAMAL and the Class

PROOF OF SERVICE

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 112 S. Church Street, Lodi, California 95240 that is located in the county where the mailing and/or delivery below took place.

On March 15, 2024, I served the following document:

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

addressed to:

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Employment, Inc.*

☒ **BY EMAIL:** In accordance with Code of Civil Procedure, Section 1010.6, on the date specified below, I caused a copy of the document(s) described above to be sent to the person(s) at the e-mail address(es) listed above. My business e-mail address is lriley@mayallaw.com. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on March 15, 2024, at Lodi, California.


LINDSAY RILEY