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10 **Attorneys for Plaintiff Juan Caamal and the Putative Class**

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF MARIN**

13 **JUAN CAAMAL,**

14 **Plaintiff,**

15 **v.**

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

21 **Defendants.**

Case No.: CIV-2001374

**PLAINTIFF'S NOTICE OF MOTION
AND UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

Date: _____

Time: _____

Dept.: _____

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

24 PLEASE TAKE NOTICE that, on _____ at _____ or as soon
25 thereafter as counsel may be heard, in Courtroom B of the above-entitled Court, Plaintiff Juan
26 Caamal ("Plaintiff" or "Caamal"), will bring for hearing this Unopposed Motion for Preliminary
27 Approval of Class Action and PAGA Settlement (the "Motion"). Plaintiff respectfully requests the
28 Court grant:

1. Preliminary and conditional certification of the Class described in the proposed Joint Stipulation of Class Action and PAGA Settlement and Release (“Proposed Settlement”)¹;
2. Preliminary approval of Caamal as Class Representative;
3. Preliminary approval of Mayall Hurley P.C., by and through Lead Counsel Robert J. Wassermann, and John P. Briscoe, as Class Counsel;
4. Preliminary approval of the Proposed Settlement, finding it to be fair, reasonable, adequate, and in the best interest of the Settlement Class;
5. Approval as to the form and content of the proposed Notice of Class Action Settlement, a copy of which is attached as **Exhibit B** to the Declaration of John P. Briscoe, or in form otherwise approved by the Court;
6. Approval as to the method of notice described in the Proposed Settlement;
7. Authorization for dissemination of the Notice of Class Action Settlement pursuant to the terms of the Proposed Settlement;
8. An order appointing and approving Simpluris as Settlement Administrator, and for preliminary approval of the costs of administration of the Qualified Settlement Fund for an amount, as declared, not to exceed \$9,000, to be paid out of the Settlement Trust Account;
9. Preliminary approval of a service payment in the amount of \$5,000 for Plaintiff in consideration for his services as Class Representative, to be paid from the Qualified Settlement Fund;
10. Preliminary approval of fees and costs to Class Counsel in the amount of one-third, of the Gross Settlement Amount, or \$61,667, and declared costs of up to \$10,000, to be paid from the Qualified Settlement Fund;

¹ Capitalized terms herein shall have the same meaning as in the Settlement Agreement, a copy of which is attached hereto as **Exhibit A** to the Declaration of John P. Briscoe (“Briscoe Decl.”) filed concurrently herewith.

- 1 11. An order of preliminary approval containing a schedule for the implementation of the
2 terms of the Proposed Settlement, including deadlines for the mailing the Notice of
3 Class Action Settlement, the filing of objections and opt-outs, and the filing of papers in
4 connection with the Final Approval Hearing; and
5 12. An order setting the Final Approval Hearing for the Court to consider final approval of
6 the Proposed Settlement and its terms, and an award of attorneys' fees and costs for
7 Settlement Class Counsel.

8 This Motion is based on the Notice of Motion; the Memorandum of Points and Authorities
9 below; the accompanying Declaration of John P. Briscoe (with exhibits); the pleadings, orders,
10 transcripts, and other papers on file in this matter; and any further evidence and arguments as may
11 be presented at the hearing of this matter.

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13 **DATED:** June 20, 2023

MAYALL HURLEY P.C.



14 By _____

15 ROBERT J. WASSERMANN
16 JOHN P. BRISCOE
17 Attorneys for Plaintiff and the Putative Class
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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 June 20, 2023, I served the following document:

**PLAINTIFF'S NOTICE OF MOTION AND UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA
SETTLEMENT**

addressed to:

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Andrea Chavez
Alex Pinto
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☐ **BUSINESS PRACTICE TO ENTRUST DEPOSIT TO OTHERS:** I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On the date specified below, at my place of business at Stockton, California a copy of the document described above was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid addressed to the individuals and/or entities mentioned above; and that envelope was placed for collection and mailing on that date following ordinary business practice.

☒ **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 June 20, 2023, at Lodi, California.


LINDSAY RILEY SHIELDS