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Attorneys for Plaintiff Eric Garcia, individually and
on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF FRESNO

ERIC GARCIA, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

LIGHTNING SOURCE LLC; INGRAM
DISTRIBUTION MANAGEMENT INC.;
INGRAM CONTENT GROUP LLC; and
DOES 1 through 25, inclusive

Defendants.

Case No. 20CECG01641

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Jeffrey Hamilton

Department 503

CLASS AND PAGA ACTION

**NOTICE OF MOTION AND
MOTION FOR ORDER GRANTING
FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND
ENTERING JUDGMENT**

Date: June 15, 2023

Time: 3:30 p.m.

Dept: 503

Judge: Hon. Jeffrey Hamilton

Filed: June 10, 2020

Trial date: Not set

PLEASE TAKE NOTICE that on June 15, 2023 at 3:30 p.m. or as soon as the matter may be heard in Department 503 of the above-captioned Court located at the B.F. Sisk Courthouse, 1130 O Street, Fresno, California 93721-2220, the Honorable Jeffrey Hamilton presiding, Plaintiff Eric Garcia, on behalf of himself and the putative Class, will move this Court for an Order Granting Final Approval of Class Action Settlement and Entering Judgment as set forth in the Stipulation of Class Action Settlement and Release of Claims ("Settlement Agreement"), filed with this Court on September 16, 2022. Plaintiff moves this Court to:

1. Finally adjudicate the Settlement is fair, reasonable, and adequate;
2. Direct distribution of Individual Settlement Payments by the Settlement Administrator to all Participating Class Members in accordance with the Settlement Agreement;
3. Approve and direct payment to Class Counsel for their attorneys' fees in the sum of \$286,666.67 and reimbursement of their litigation costs of \$15,405.67;
4. Approve and direct the Class Representative Service Payment of \$10,000.00 to Plaintiff Eric Garcia;
5. Approve and direct payment to Simpluris, Inc., the appointed Settlement Administrator, of \$4,400.00 for its fees and costs in administering the Settlement;
6. Approve and direct the PAGA Payment to California's Labor and Workforce Development Agency of \$37,500.00 (75% of \$50,000.00);
7. Approve and direct the PAGA Payment to the PAGA Members of \$12,500.00 (25% of \$50,000.00);
8. Direct the Clerk of the Court to enter final judgment, and without affecting the finality of the final judgment, to reserve the Court's continuing jurisdiction over the Parties for the purposes of implementing, enforcing, or administering the terms of the Settlement Agreement.

This motion is made on the grounds that the proposed Settlement, preliminarily approved by this Court on November 17, 2022, is the product of arms'-length, good-faith negotiations, is fair and reasonable to the Class, and should now be finally approved, as more fully discussed in the accompanying Memorandum in Support of Final Approval of Class Action Settlement and

1 Entering Final Judgment.

2 This motion is based on this Notice of Motion, the Memorandum of Points and
3 Authorities in Support, Declarations of Class Counsel Isam C. Khoury and Jonathan M. Lebe,
4 Declaration of Plaintiff Eric Garcia, Declaration of Lindsay Kline on behalf of Simpluris, Inc.,
5 the Agreement, the Notice of Class Action Settlement, the Law and Motion Minute Granting
6 Preliminary Approval of Class Action Settlement filed November 17, 2022, the [Proposed]
7 Order Granting Final Approval of Class Action Settlement and Entering Judgment, the Court's
8 files in this matter, including, but not limited to, the Motion for Preliminary Approval of Class
9 Action Settlement, and any other documents or evidence the Court may consider at the hearing.

10 Respectfully submitted,

11 LEBE LAW, APC
12 COHELAN KHOURY & SINGER

13 Dated: May 23, 2023

14 By:



15 Isam C. Khoury
16 Rosemary C. Khoury

17 Attorneys for Plaintiff Eric Garcia, individually and on
18 behalf of all others similarly situated
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