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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF YOLO**

15 **HILARY CEARLY and YEKATERINA**
16 **KUCHEROVA, *et al.*,**

17 Plaintiff,

18 vs.

19 **UNIVERSITY RETIREMENT**
20 **COMMUNITY AT DAVIS, INC., a**
21 **Corporation; PACIFIC RETIREMENT**
22 **SERVICES, INC., a Corporation; and DOES**
23 **1 through 50, inclusive,**

24 Defendants.

Case No. CV2021-0524

[Consolidated with Case No. CV2021-0531]

NOTICE OF MOTION AND MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT

Hearing Date: September 27, 2022
Hearing Time: 9:00 a.m.

Judge: Hon. Samuel T. McAdam
Dept: 10

Action Filed: March 26, 2021
Trial Date: Not Set

25 **TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

26 YOU ARE HEREBY NOTIFIED THAT on September 27, 2022 at 9:00 a.m., in
27 Department 10 of the above entitled Court before the Honorable Samuel T. McAdam,
28 Plaintiffs Hilary Cearley and Yekaterina Kucherova ("Plaintiffs") will apply for an order:

1 (1) preliminarily approving the proposed settlement of this class action with and Defendants
2 University Retirement Community at Davis, Inc., and Pacific Retirement Services, Inc.
3 (“Defendants”); (2) for settlement purposes only, conditionally certifying the Class, which is
4 comprised of “all individuals who are or previously were employed by Defendants in
5 California who were classified as hourly, non-exempt employees at any time during the
6 Class Period” of March 26, 2017 through May 1, 2022; (3) provisionally appointing
7 Plaintiffs as the representatives of the Class; (4) provisionally appointing Norman B.
8 Blumenthal, Kyle R. Nordrehaug, Aparajit Bhowmik, Nicholas J. De Blouw, and Jeffrey S.
9 Herman of Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel for the
10 Class; (5) approving the form and method for providing class-wide notice; (6) directing that
11 notice of the proposed settlement be given to the class; (7) appointing ILYM Group as
12 Settlement Administrator, and (8) scheduling a final approval hearing date to consider
13 Plaintiffs’ motion for final approval of the settlement and entry of the Judgment, and
14 Plaintiffs’ motion for approval of attorneys' fees and expenses.

15 This motion for preliminary approval of the class settlement is brought pursuant to
16 California Rules of Court, rule 3.769. Plaintiffs’ motion will be based on this notice of
17 motion and motion, the accompanying memorandum of points and authorities, the
18 Declaration of Kyle Nordrehaug, the Class Action Settlement Agreement (“Agreement”)
19 between the parties, and the complete files and records in this action. Because all parties
20 have agreed to the proposed class settlement, this motion is not opposed by Defendant.

21 Respectfully submitted,

22 Dated: August 30, 2022

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

23 By: /s/ Kyle Nordrehaug
24 Norman B. Blumenthal, Esq.
25 Kyle R. Nordrehaug, Esq.
26 Attorney for Plaintiffs
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