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Attorneys for Plaintiff SILVIA MADRIGAL VARGAS

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

MICHAEL GREBE, individually, and on
behalf of other members of the general public
similarly situated,

Plaintiff,

v.

MARY ANN'S BAKING CO., INC., a
California corporation, and DOES 1 through
100, inclusive,

Defendants.

Case No. 34-2020-00285254-CU-OE-GDS

*Assigned to the Honorable Jill H. Talley for all
purposes*

CLASS ACTION

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR PRELIMINARY APPROVAL OF
CLASS, COLLECTIVE, AND
REPRESENTATIVE ACTION SETTLEMENT**

Reservation No. 2662349

Date: October 28, 2022

Time: 9:00 a.m.

Dept.: 25

Filed: September 14, 2020

FAC Filed: May 12, 2022

Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on October 28, 2022, at 9:00 a.m., or as soon thereafter as the matter
3 may be heard in Department 25 of the above-entitled Court, Plaintiffs Silvia Madrigal Vargas and Michael
4 Grebe ("Plaintiffs"), individually and on behalf of all other similarly situated individuals, will move, and
5 hereby do move, for entry of an Order for the following:

- 6 1. Preliminarily certifying the proposed Class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiffs as the Class Representatives for purposes of settlement;
- 8 3. Preliminarily appointing Shimoda & Rodriguez Law, PC, and Justice Law Corporation as
9 Class Counsel for purposes of settlement;
- 10 4. Preliminarily approving the proposed class action and Private Attorneys General Act of 2004
11 ("PAGA") settlement, in the amount of \$600,000, which is incorporated herein by reference;
- 12 5. Preliminarily approving the application for payment to Class Counsel of attorneys' fees of
13 thirty-five percent (35%) of the Gross Fund Value;
- 14 6. Preliminarily approving the application for payment to Class Counsel of reasonable attorneys'
15 costs not to exceed \$18,500;
- 16 7. Preliminarily and conditionally approving the Class Representative Enhancement Payment of
17 \$10,000 to each Plaintiff;
- 18 8. Preliminarily approving the appointment of Simpluris, Inc. ("Simpluris") as the Settlement
19 Administrator and for payment of Settlement Administration Costs to Simpluris for
20 administering said class action settlement in an amount not to exceed \$10,500;
- 21 9. Preliminarily approving the settlement of claims under PAGA of \$20,000, seventy-five percent
22 (75%) of which will be paid to the California Labor and Workforce Development Agency and
23 twenty-five percent (25%) of which will be paid to PAGA Group Members;
- 24 10. Approving as to form and content the Notice of Class Action Settlement and Claim Form,
25 which provide Class Members information regarding the settlement, their ability to opt out of,
26 or object to, the settlement and which provides instruction on how to dispute an individual's
27 settlement allocation under the proposed settlement agreement and/or submit a Claim Form to
28 participate in the settlement;

- 1 11. Approving the proposed procedures to notify the Class and determining that the proposed
2 notification procedures and process complies with Class Members' due process rights and
3 directing the Notice of Class Action Settlement and Claim Form to be sent by first class mail
4 to Class Members;
- 5 12. Directing Defendant to report employment information, including social security numbers, to
6 the Claims Administrator to administer the settlement proceeds;
- 7 13. Scheduling a fairness hearing on the question of whether the proposed settlement should be
8 finally approved as fair, reasonable, and adequate;
- 9 14. Directing that any residue from settlement checks that were not cashed by the check cashing
10 deadline escheat to the State of California's Controller to be held in the name of each expired
11 check payee, pursuant to applicable unclaimed property laws;
- 12 15. Preliminarily and conditionally approving and adopting the Proposed Order and its
13 implementation schedule, which is filed herewith and incorporated by reference.

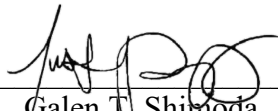
14 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
15 2699(l), and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action and
16 PAGA settlement is fair, reasonable, and adequate as to all Class Members and should be approved by the
17 Court. This motion will be based on the notice of motion, memorandum of points and authorities, the
18 Declaration of Justin P. Rodriguez, the Declaration of Douglas Han, the Declaration of Silvia Madrigal
19 Vargas, the Declaration of Michael Grebe, exhibits, the record and files of this case, and any further oral
20 or documentary evidence introduced at the hearing of this motion.

21 Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter
22 by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department
23 may be downloaded off the court's website. If the party does not have online access, they may call the
24 dedicated phone number for the department as referenced in the local telephone directory between the
25 hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If
26 you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing
27 will be held.

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1 Dated: September 29, 2022

Shimoda & Rodriguez Law, PC

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3 By: 
4 Galen T. Shimoda
5 Justin P. Rodriguez
6 Attorneys for Plaintiffs
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