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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO-CENTRAL DIVISION

JUAN LIMON, individually and on behalf
of all others similarly situated,

Plaintiffs,

vs.

ROMAN BERNAL PAINTING
CORPORATION DBA PRO-TECH
PAINTING COMPANY, *et al.*,

Defendants.

Case No.: 37-2021-00002171-CU-OE-CTL

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR APPROVAL OF A
PRIVATE ATTORNEY GENERAL
ACT SETTLEMENT AND RELEASE**

Hearing Date: Sept. 8, 2023

Hearing Time: 1:30 p.m.

Hearing Location: C-72

Judge: Hon. Timothy Taylor

[Mem. of P&As, Prop. Ord., and Decs. of
Thomas D. Rutledge, Rory K. Pendergast,
and Chris Taylor filed concurrently
herewith]

1 TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on **Sept. 8, 2023** at **1:30 p.m.** in Department 72 of the
3 above-entitled court, located at 330 West Broadway, San Diego, California 92101, before
4 the Hon. Timothy Taylor, Plaintiff Juan Limon (Representative Plaintiff) on behalf of
5 himself, the Aggrieved Employees, and the Representative Plaintiff as a proxy for the State
6 of California (Plaintiffs), will move and hereby does move the Court for an order approving
7 the parties' unopposed Private Attorney General Act, California Labor Code §§ 2698, *et seq.*
8 (PAGA) Settlement and Release (PAGA Settlement Agreement), a copy of which is
9 attached as Exhibit 1 to the Declaration of Thomas D. Rutledge filed concurrently herewith
10 and incorporated herein by reference.

11 This Application is pursuant to Labor Code § 2699(l), which provides, "[t]he superior
12 court shall review and approve any [PAGA penalties] sought as part of a proposed
13 settlement agreement." Good cause exists to grant this Application because the settlement is
14 fair and reasonable.

15 Without admitting wrongdoing and pursuant to the PAGA Settlement Agreement,
16 Defendants have agreed to pay the Gross Settlement Amount of \$500,000.00 in exchange
17 for the full and final settlement and release of Plaintiffs' Labor Code claims via the PAGA.
18 There will be no reversion of unclaimed funds to Defendants. Uncashed checks after 180
19 days shall be payable to the LWDA.

20 This Application is based upon this Notice, the pleadings in support thereof,
21 including but not limited to the Declaration of Thomas D. Rutledge, and the records in the
22 Court's file in this action, and upon such further evidence and argument the Court may
23 request.

24 Dated: August 15, 2023

Law Office of
Thomas D. Rutledge

26 By: Thomas D. Rutledge
27 /s/Thomas D. Rutledge
28 Attorneys for the Plaintiffs

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

I, THOMAS D. RUTLEDGE, the undersigned, am employed in the County of San Diego, State of California; I am over the age of 18 and not a party to the within action; my business address is 16956 Via de Santa Fe, Suite 1847, Rancho Santa Fe, California 92091-4606.

On August 15, 2023, I served the foregoing document(s) described as:

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR APPROVAL OF A
PRIVATE ATTORNEY GENERAL ACT SETTLEMENT AND RELEASE**

on the interested parties to this action by placing a copy thereof enclosed in a sealed envelope addressed as follows: **See Attached List.**

☒ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence was deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in San Diego, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☒ **(BY E-MAIL via E-file)** I am readily familiar with the business practice for collection and processing of correspondence for emailing with the Court authorized third-party vendor. This correspondence was sent via email via this third-party vendor pursuant to the vendor's policies and practices.

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

Executed August 15, 2023, at San Diego, California.

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

THOMAS D. RUTLEDGE
/s/THOMAS D. RUTLEDGE

SERVICE LIST

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Attorneys for Defendants

Attorneys for Defendants