

THE LAW OFFICE OF MATT BLUM

Matt Blum (SBN 285944)

mblumlaw@gmail.com

550 W. C Street, Suite 960

San Diego, California 92101

Telephone: (860) 271-6273 / Facsimile: (619) 238-1351

COHELAN KHOURY & SINGER

Isam C. Khoury (SBN 58759)

ikhoury@ckslaw.com

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

Diana M. Khoury (SBN 128643)

dkhoury@ckslaw.com

J. Jason Hill (SBN 179630)

jhill@ckslaw.com

605 C Street, Suite 200

San Diego, California 92101

Telephone: (619) 595-3001 / Facsimile: (619) 595-3000

Attorneys for Plaintiffs Antony M. Smith, Omar Ayala, and the Proposed Class

[Additional Counsel, next Page]

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO – NORTH COUNTY

ANTONY M. SMITH and OMAR AYALA,
individuals, on behalf of themselves, and on
behalf of all persons similarly situated and
aggrieved

Plaintiffs,

v.

ZODIAC POOL SYSTEMS, LLC, a
Delaware limited liability company doing
business in California; and Does 1 through
50, Inclusive

Defendants.

Case No. 37-2020-00036431-CU-OE-NC

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Earl H. Maas, III, Dept. N-28

CLASS AND REPRESENTATIVE ACTION

**NOTICE OF MOTION AND MOTION FOR
ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT, CONDITIONAL
CERTIFICATION, APPROVAL OF CLASS
NOTICE, AND SETTING OF FINAL
APPROVAL HEARING DATE**

Date: June 10, 2022

Time: 1:30 p.m.

Dept: N-28

Judge: Hon. Earl H. Maas, III

Reservation: 2488941

Filed: October 7, 2020

Trial date: Not set

1 **LAW OFFICES OF SAHAG MAJARIAN II**

2 Sahag Majarian, II (SBN 146621)

3 sahagii@aol.com

4 18250 Ventura Blvd.

5 Tarzana, California 91356

6 Telephone: (818) 609-0807 / Facsimile: (818) 609-0892

7 Attorneys for Plaintiffs Antony M. Smith, Omar Ayala, and the Proposed Class

1 PLEASE TAKE NOTICE on June 10, 2022 at 1:30 p.m., or as soon as the matter may be
2 heard by the Honorable Earl H. Maas, III in Department N-28 of the above-entitled Court
3 located at 325 South Melrose Drive, Vista, California 92081, Plaintiffs Antony M. Smith and
4 Omar Ayala, on behalf of themselves and all others similarly situated, will move this Court for
5 an Order:

6 1. Preliminarily approving the Stipulation of Class and Representative Action
7 Settlement and Release of Claims (“Settlement Agreement”) as fair, adequate, and reasonable
8 based on its terms, and payment by Defendant Zodiac Pool Systems, LLC of the non-
9 reversionary \$1,200,000 Gross Settlement Amount;

10 2. Conditionally certifying the proposed Class for settlement purposes only;

11 3. Approving the Notice of Class Action Settlement to be mailed to all members of
12 the Class;

13 4. Appointing the Law Office of Matt Blum, Cohelan Khoury & Singer, and the
14 Law Offices of Sahag Majarian II as Class Counsel;

15 5. Appointing Plaintiffs Antony M. Smith and Omar Ayala as the Class
16 Representatives;

17 6. Appointing Simpluris, Inc., as the Settlement Administrator to administer the
18 Settlement pursuant to the terms of the Agreement; and

19 7. Setting a date to consider final approval of the Settlement, and Class Counsel’s
20 application for attorneys’ fees and litigation costs, Plaintiffs’ Service Payment, and the
21 Administrator’s Expenses.

22 This motion is based on this Notice of Motion, Memorandum of Points and Authorities in
23 Support, Declarations of Class Counsel Diana M. Khoury, Matt Blum, and Sahag Majarian II,
24 Declarations of Plaintiffs Antony M. Smith and Omar Ayala, Declaration of Michael Bui on
25 behalf of Simpluris, Inc., the Settlement Agreement and its exhibits, the [Proposed] Order

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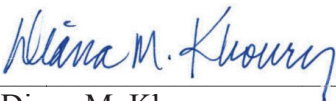
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1 Granting Preliminary Approval of Class Action Settlement, the Court's files in this matter, and
2 any other documents or evidence which the Court may consider at the hearing of this motion.

3 Respectfully Submitted,

4 THE LAW OFFICE OF MATT BLUM
5 COHELAN KHOURY & SINGER
6 LAW OFFICES OF SAHAG MAJARIAN II

7 Dated: February 28, 2022

8 By: 
9 Diana M. Khoury
10 Attorneys for Plaintiffs Antony M. Smith, Omar
11 Ayala, and the Proposed Class
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