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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 FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

Hearing Set By Court Order (ROA #31&32)

Date: November 4, 2022

Time: 1:30 p.m.

Dept: N-28

Judge: Hon. Earl H. Maas, III

Filed: October 7, 2020

Trial date: Not set

1 **LAW OFFICES OF SAHAG MAJARIAN II**

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

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

- 6 1. Finally adjudicate the Settlement is fair, reasonable, and adequate;
- 7 2. Direct distribution of Individual Settlement Payments by the Settlement
8 Administrator to all Participating Class Members in accordance with the Agreement;
- 9 3. Approve and direct payment to Class Counsel for their attorneys' fees in the sum
10 of \$400,000.00 and reimbursement of their litigation costs of \$13,680.10;
- 11 4. Approve and direct the Class Representative Service Payments of \$10,000 to
12 Plaintiff Antony M. Smith and \$10,000 to Omar Ayala;
- 13 5. Approve and direct the payment to Simpluris, the appointed Settlement
14 Administrator, of \$7,000 for its fees and costs in administering the Settlement;
- 15 6. Approve the PAGA Payment to California's Labor and Workforce Development
16 Agency of \$18,000 (75% of \$24,000); and,
- 17 7. Direct the Clerk of the Court to enter final judgment, and without affecting the
18 finality of the final judgment, to reserve the Court's continuing jurisdiction over the Parties for
19 the purposes of implementing, enforcing, or administering the terms of the Agreement.

20 This motion is made on the grounds that the proposed Settlement, preliminarily
21 approved by this Court on June 10, 2022 (ROA #32), is the product of arms'-length, good-faith
22 negotiations, is fair and reasonable to the Class, and should now be finally approved, as more
23 fully discussed in the accompanying Memorandum in Support of Final Approval of Class
24 Action Settlement and Entering Final Judgment.

25 This motion is based on this Notice of Motion, the Memorandum of Points and
26 Authorities in Support, Declarations of Class Counsel Isam C. Khoury, Sahag Majarian, II, and
27 Matthew M. Blum, Declarations of Plaintiffs Antony Smith (ROA #21) and Omar Ayala (ROA
28 #22) filed February 28, 2022, Declaration of Lindsay Kline on behalf of Simpluris, the

1 Agreement, the Notice of Class Action Settlement, the Order Granting Preliminary Approval of
2 Class Action Settlement, the [Proposed] Order Granting Final Approval of Class Action
3 Settlement and Entering Judgment, the Court's files in this matter, including but not limited to
4 the Motion for Preliminary Approval of Class Action Settlement, and any other documents or
5 evidence the Court may consider at the hearing.

6 Respectfully Submitted,

7 THE LAW OFFICE OF MATT BLUM
8 COHELAN KHOURY & SINGER
9 LAW OFFICES OF SAHAG MAJARIAN II

10 Dated: October 25, 2022

By: 

Marta Manus

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