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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO**

BRADLEY LUTAT, on behalf of the
State of California, as a private attorney
general,

Plaintiff,

vs.

BARRY'S BOOTCAMP, LLC, a
California Limited Liability Company;
BARRY'S BOOTCAMP SAN DIEGO
LLC, a California Limited Liability
Company; BARRY'S BAY AREA, LLC,
a Limited Liability Company; and Does
1 through 50, inclusive,

Defendants.

Case No.: **37-2020-00044771-CU-OE-CTL**

**NOTICE OF MOTION AND UNOPPOSED
MOTION FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: September 16, 2022
Hearing Time: 9:00 a.m.

Dept.: C-67
Judge: Hon. Eddie C. Sturgeon

Action Filed: December 7, 2020

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

YOU ARE HEREBY NOTIFIED THAT on September 16, 2022 at 9:00 a.m., in
Department 67 at the Hall of Justice Courthouse of the above entitled Court before the

1 Honorable Eddie C. Sturgeon, Plaintiff Bradley Lutat (“Plaintiff”) will apply for an order:
2 (1) preliminarily approving the proposed settlement of this class action with Defendants
3 Barry's Bootcamp, LLC; Barry's Bootcamp San Diego LLC; Barry's Bay Area, LLC
4 (“Defendants”); (2) for settlement purposes only, conditionally certifying the Class, which is
5 comprised of “all individuals who worked for Defendants in California as non-exempt
6 employees at any time during the Class Period” of October 1, 2019 to August 12, 2021; (3)
7 provisionally appointing Plaintiff as the representative of the Class; (4) provisionally
8 appointing Norman B. Blumenthal, Kyle R. Nordrehaug, Aparajit Bhowmik, Nicholas J. De
9 Blouw, Jeffrey S. Herman, Christine T. LeVu, and Andrew G. Ronan of Blumenthal
10 Nordrehaug Bhowmik De Blouw LLP as Class Counsel for the Class; (5) approving the
11 form and method for providing class-wide notice; (6) directing that notice of the proposed
12 settlement be given to the class; (7) appointing ILYM Group as Settlement Administrator,
13 and (8) scheduling a final approval hearing date to consider Plaintiff’s motion for final
14 approval of the settlement and entry of the Judgment, and Plaintiff’s motion for approval of
15 attorneys' fees and expenses. As part of this Settlement, Plaintiff submitted a stipulation for
16 leave to file a First Amended Complaint on March 15, 2022, and so Plaintiff also requests
17 that the Court grant this stipulation.

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

24 Respectfully submitted,

25 Dated: March 15, 2022

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

26 By: /s/ Kyle Nordrehaug
27 Norman B. Blumenthal, Esq.
28 Kyle R. Nordrehaug, Esq.
Attorney for Plaintiff