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13 Attorneys for Plaintiffs

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF SAN DIEGO-CENTRAL DIVISION

16 CHARLES CRAFT, an individual in
17 his representative capacity on behalf of
18 all Aggrieved Employees,

19 Plaintiffs,

20 v.

21 UAG ESCONDIDO M1, Inc., *et al.*,
22 and DOES 1 through 50,

23 Defendants.

) Case No.: 37-2021-00000982-CU-OE-
) CTL

) **PLAINTIFFS' NOTICE OF**
) **MOTION AND MOTION FOR**
) **PRELIMINARY APPROVAL OF**
) **CLASS SETTLEMENT AND FOR**
) **AN ORDER: (1) PRELIMINARILY**
) **APPROVING CLASS ACTION**
) **SETTLEMENT; (2) DIRECTING**
) **DISTRIBUTION OF NOTICE OF**
) **SETTLEMENT; AND (3) SETTING**
) **A HEARING FOR FINAL**
) **APPROVAL OF CLASS ACTION**
) **SETTLEMENT**

) Hearing Date: October 1, 2021

) Time: 9:00 a.m.

) Dept.: 75

) Judge: Hon. Richard Straus

) **[[Prop.] Order, Mem. of P&A's, and**
) **Decs. of Thomas D. Rutledge & Ian**
) **Pancer filed concurrently herewith]**

1 PLEASE TAKE NOTICE that on **October 1, 2021** at **9:00 a.m.**, before the
2 Honorable Richard Straus in Department 75 of the Superior Court of California,
3 County of San Diego, 330 West Broadway, California 92101, Plaintiff Charles Craft
4 on behalf of himself and others (collectively Plaintiffs), will move and hereby do
5 move for an Order (1) preliminarily approving class action settlement; (2) directing
6 distribution of notice of settlement; and (3) setting a hearing for final approval of
7 class action settlement. This Motion is unopposed and based on the class action
8 settlement reached between the parties.

9 Without admitting wrongdoing, Defendants UAG Escondido M1, Inc. and
10 Penske Automotive Group, Inc. (Defendants) agree to pay the putative Class the non-
11 reversionary sum of \$575,000 in exchange for a release subject to Court approval.
12 This amount is inclusive of: (1) individual settlement payments to putative class
13 members of the Settlement; (2) Class incentive award of \$15,000 to Plaintiff Charles
14 Craft for his service as the Class Representative; (3) \$20,000 to resolve Plaintiffs'
15 Private Attorney General Act ("PAGA") claim for penalties, 75% of which is payable
16 to the Labor and Workforce Development Agency ("LWDA"), with the remaining
17 sum payable to the PAGA Members; (4) Settlement Administrator costs up to
18 \$35,000; (5) putative Class Counsel's fees not to exceed 1/3 of the gross settlement
19 (\$191,667); and (6) putative Class Counsel's reasonable costs. In addition,
20 Defendants agree to pay the employer's portion of payroll taxes on settlement
21 payments attributed as wages. Uncashed checks are payable to Hire Heroes, USA, a
22 nonprofit organization whose stated purpose is to help U.S. veterans obtain
23 employment. (Rutledge Decl., Ex. 1, pp. 3, 9-11.)

24 The Motion will be based on this Notice of Motion, the Memorandum of Points
25 and Authorities, the Declarations of Thomas D. Rutledge and Ian Pancer, and
26 attached exhibits, filed herewith and on the argument of counsel, and upon such other
27 material contained in the file and pleadings of this action.
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Dated: September 9, 2021

Law Office of
Thomas D. Rutledge

By: Thomas D. Rutledge
/s/Thomas D. Rutledge
Attorneys for Plaintiffs

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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

I, IAN PANCER, 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 105 West F Street San Diego, California 92101.

On September 9, 2021, I served the foregoing document(s) described as:

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT AND FOR AN ORDER: (1) PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT; (2) DIRECTING DISTRIBUTION OF NOTICE OF SETTLEMENT; AND (3) SETTING A HEARING FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

☒ (BY E-MAIL via E-file) I am readily familiar with the business practice for of the Court's third party e-filing vendor, onelegal, for emailing notification of e-service and for providing a download link to recipients of the e-service. This documents identified herein are being sent for download 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).

☐ (BY FACSIMILE) I caused such documents to be delivered via facsimile to the offices of the addressee(s) at the following facsimile number:

Executed September 9, 2021, 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.

Ian Pancer
/s/IAN PANCER

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SERVICE LIST

John Boggs/David Reese
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Attorneys for Defendants