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Attorneys for Plaintiff Rudy Gonzalez and the Putative Class

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUDY GONZALEZ,

Plaintiff,

vs.

XTREME MANUFACTURING, LLC; and
DOES 1-100, inclusive,

Defendants.

Case No.: 1:20-cv-01704-JLT-SKO

NOTICE OF MOTION AND
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

Date: March 10, 2023
Time: 9:00 a.m.
Dept.: Courtroom 4, Seventh Floor
Judge: United States District Judge
Jennifer L. Thurston

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on March 10, 2023 at 9:00 a.m., or as soon thereafter as counsel may be heard, Plaintiff Rudy Gonzalez ("Gonzalez" or "Plaintiff"), will bring on for hearing before the Honorable United States District Court Judge Jennifer L. Thurston, in Courtroom 4, Seventh Floor, Robert E. Coyle United States Courthouse, 2500 Tulare Street, Fresno, California, 93721 this unopposed Motion for Final Approval of Class and Action Settlement (the "MFA"). Plaintiff will submit a Motion for Attorneys' Fees, Litigation Expenses, and Service Award (the "Fee Motion"), to be heard on the same date, on or before February 10, 2023 as ordered by the Court. The MFA is brought pursuant to Federal Rules of Civil Procedure Rule 23, subdivision (e) and respectfully requests 1) an order granting final approval of the Joint Stipulation of Class and Representative Action

1 Settlement Agreement (the “Settlement”), 2) certifying the Class as defined in the Settlement, and 3)
2 entering Judgment accordingly. The MFA is made on the grounds that 1) all of the prerequisites to
3 class certification pursuant to FRCP 23 are met, and 2) the Settlement, which provides for payment of
4 a \$290,000 Gross Settlement Amount (\$280,000 allocated to resolve Class Claims and \$10,000
5 allocated to resolve claims to assess and collect civil penalties pursuant to the PAGA), is a fair,
6 adequate and reasonable resolution of the claims on behalf of the Class. Defendants do not oppose the
7 relief sought by way of the MFA.

8 Plaintiff’s MFA is based on this Notice of Motion; the Memorandum of Points and Authorities in
9 Support of Motion for Final Approval of Class Action Settlement; the accompanying Declaration of
10 Jenny D. Baysinger, with exhibits (including the Settlement Agreement), and the Declaration of Evelin
11 Reyes Regarding Notice and Settlement Administration, the pleadings, orders, transcripts, and other
12 papers on file in this matter, specifically including the declarations and exhibits presented in connection
13 with Plaintiff’s Motion for Attorneys’ Fees, Costs, and Service Award (the “Fee Motion”), to be filed,
14 and any further evidence and arguments as may be presented at the hearing of this matter.

15 **DATED:** February 3, 2023

MAYALL HURLEY P.C.

16 By /s/ Jenny D. Baysinger
17 JENNY D. BAYSINGER
18 ROBERT J. WASSERMANN
19 Attorneys for Plaintiff and the Class
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