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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA

RYAN ACCURSO; TOM PIPLACK; DONOVAN M. SHERROD; BRENDON HART; TAYLER ANDREWS; ARIANNA CARRERA; BRIANNA MARIE TAYLOR; ELISSA BRISTOW; and BLAKE VANBREEMEN, on behalf of the State of California and all other Aggrieved Employees,

Plaintiff,

vs.

IN-N-OUT BURGERS, a California corporation; and DOES 1-100, inclusive,

Defendants.

CASE NO.: SCV-268956

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR APPROVAL OF PRIVATE ATTORNEYS GENERAL ACT (CAL. LABOR CODE § 2698, ET SEQ.) SETTLEMENT AGREEMENT AND AWARD OF ATTORNEYS' FEES AND COSTS, REPRESENTATIVE AND GENERAL RELEASE PAYMENTS, AND SETTLEMENT ADMINISTRATION COSTS

Hearing Date:
Time:
Dept: 18

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on [_____], at [_____], or as soon thereafter as the matter may be heard before the Honorable Dana Simonds in Department 18 of the Superior Court of the State of California, for the County of Sonoma, located at 3055 Cleveland Avenue, Santa Rosa, California 95403, Plaintiffs Ryan Accurso, Tom Piplack, Donovan M. Sherrod, Brendon Hart, Tayler Andrews, Arianna Carrera, Brianna Marie Taylor, Elissa Bristow, and Blake Vanbreemen ("Plaintiffs"), acting on behalf of the State of California and alleged Aggrieved Employees, will move for entry of the following orders:

1. Granting approval, pursuant to California Labor Code section 2699(s)(2), of the settlement between Plaintiffs and Defendant In-N-Out Burgers, a California Corporation ("Defendant") of the claims brought pursuant to the Private Attorneys General Act of 2004 ("PAGA"), as set forth in the PAGA Action Settlement Agreement and Release ("Settlement," "Agreement," or "Settlement Agreement"), attached as "EXHIBIT A" to the Declaration of Hallie Von Rock ("Von Rock Dec."), including and not limited to, the plan of allocation and distribution of the Total Settlement Amount for payment of the LWDA Payment to the California Labor and Workforce Development Agency ("LWDA"), Individual Settlement Shares to the Aggrieved Employees, Attorneys' Fees and Costs to Plaintiffs' Counsel, Settlement Administration Costs to the PAGA Settlement Administrator, and Incentive Compensation to Plaintiffs;

2. Approving the Total Settlement Amount of Thirteen Million Dollars ($13,000,000.00). Approving the Net Settlement Amount, estimated to be Seven Million Four Hundred Thirty-Four Thousand One Hundred Sixty-Five Dollars and Sixty-Seven Cents ($7,434,165.67), to be distributed to the LWDA and the Aggrieved Employees, pursuant to California Labor Code section 2699(i), of which seventy-five percent (75%) will be paid to the LWDA ("LWDA Payment") and twenty-five percent (25%) will be paid to the Aggrieved Employees ("Employees' Portion");

3. Appointing Atticus Administration, LLC ("Atticus") as the PAGA Settlement Administrator;

4. Directing Defendant to transmit the Total Settlement Amount of $13,000,000.00 into a qualified settlement account established by the PAGA Settlement Administrator for administration of the Settlement, within the time and subject to the conditions specified in the Settlement Agreement, and directing the PAGA Settlement Administrator to distribute the Total Settlement Amount in accordance with the Settlement Agreement and this Court's Order Granting Approval of PAGA Settlement;

5. Directing the mailing of Individual Settlement Share checks to the Aggrieved Employees;

6. Awarding PAGA Representative and General Release Payments of $15,000.00 each, payable from the Total Settlement Amount, to the following Plaintiffs: Tom Piplack, Donovan Sherrod, Brendon Hart, Ryan Accurso, Brianna Taylor, Tayler Andrews, Arianna Carrera, and Elissa Bristow, with $4,000.00 of each payment allocated as consideration for the general release of claims, including the Civil Code section 1542 waiver, as provided in the Settlement Agreement;

7. Approving Settlement Administration Costs not to exceed $123,250.00, payable to the PAGA Settlement Administrator from the Total Settlement Amount, with any unused portion remaining in the Net Settlement Amount for distribution under the Settlement Agreement; and

8. Awarding to Plaintiffs' Counsel Aiman-Smith & Marcy, Lebe Law, Lavi & Ebrahimian, Law Offices of Mark Yablonovich, Slater & Associates, and Potter Handy, $5,200,000.00 as compensation for reasonable attorneys' fees and $122,584.33 for reimbursement of litigation costs and expenses ("Attorneys' Fees and Costs"), pursuant to California Labor Code section 2699(d)(1).

The Settlement Agreement and moving and supporting papers for this motion are being concurrently submitted to the California Labor and Workforce Development Agency in conformity with California Labor Code section 2699(s)(2).

This motion is made pursuant to California Labor Code section 2699(s)(2), which provides for review and approval by the Court of the settlement of a civil action filed pursuant to PAGA.

This motion will be based upon this Notice, Plaintiffs' Memorandum of Points and Authorities, the Settlement Agreement, the Declarations of Plaintiffs' Counsel (Hallie Von Rock, Jonathan M. Lebe, Mark Yablonovich, Eric J. Naessig, Charles C. Slater, and James M. Treglio), Plaintiffs (Tom Piplack, Donovan Sherrod, Brendon Hart, Ryan Accurso, Brianna M. Taylor, Tayler Andrews, Arianna Carrera, and Elissa Bristow), and Atticus Administration, LLC, in support thereof, as well as the pleadings and other records on file with the Court in this matter, and such evidence and oral argument as may be presented at the hearing on this motion.

DATED: November 4, 2026

AIMAN-SMITH & MARCY

By: /s/ Hallie Von Rock

Hallie Von Rock

Attorney for Plaintiffs, individually and on behalf of all others similarly situated