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7 Attorneys for Plaintiff Samantha Owens and the Class

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF CONTRA COSTA

10 SAMANTHA OWENS,

11 Plaintiff,

12 vs.

13 FIDELITY NATIONAL HOME
14 WARRANTY COMPANY; and DOES 1-
15 100, inclusive,

16 Defendants.

Case No.: MSC21-00731

NOTICE OF MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT

Date: April 25, 2024

Time: 9:00 a.m.

Dept.: 12

Judge: Hon. Charles S. Treat

1 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 PLEASE TAKE NOTICE THAT, on April 25, 2024 at 9:00 a.m. in Department 12 of the
4 above-captioned court, or as soon thereafter as this matter can be heard, Plaintiff Samantha Owens
5 (“Plaintiff”) will bring on for hearing before the Honorable Charles S. Treat, this Motion for Final
6 Approval of Class Action Settlement (the “Motion”).¹ The motion will be heard concurrently with
7 Plaintiff’s Motion for Attorneys’ Fees, Costs, and Enhancement Payment (“Fee Motion”). The
8 Motion respectfully requests the Court grant:

- 9 1. Final certification of the Class described in the proposed Settlement Agreement;
- 10 2. Final approval of Plaintiff as Class Representatives;
- 11 3. Final approval of Mayall Hurley P.C., by and through Lead Counsel Jenny D.
12 Baysinger and Robert J. Wasserman as Class Counsel;
- 13 4. Final approval of the Settlement Agreement, finding it to be fair, reasonable,
14 adequate, and in the best interest of the Class;
- 15 5. Final approval of administration costs of \$7,250 to Phoenix Settlement
16 Administration Solutions, LLC;
- 17 6. Final approval of the proposed PAGA allocation and payment to the LWDA;
- 18 7. Final approval of the Enhancement Payment to Plaintiff in the amount of \$10,000 in
19 consideration for her service as Class Representatives; and
- 20 8. Final approval of fees to Class Counsel in the amount of 1/3 of the GSA, or \$95,000,
21 and declared costs of \$15,000.

22 Plaintiff’s Motion is based on the Notice of Motion; the Memorandum of Points and
23 Authorities; the accompanying Declarations of Jenny D. Baysinger, with exhibits (including the
24 Settlement Agreement), Taylor Mitzner (Administrator), and Samantha Owens; the pleadings,
25 orders, and other papers on file in this matter; and any further evidence and arguments as may be
26 presented at the hearing of this matter.

27 ///

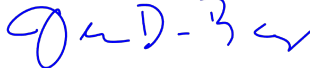
28 _____
¹ Defendant does not oppose the relief sought by Plaintiff’s Motion.

Pursuant to Contra Costa County Local Rule 3.43, Judges assigned to unlimited civil law and motion matters shall prepare a tentative ruling for each matter on calendar and a ruling will be available to counsel and litigants beginning at 1:30 p.m. on the court day preceding the scheduled hearing. Tentative rulings can be accessed on the court's website at <https://www.cc-courts.org/civil/motions-hearings-tentative.aspx>. If the website is down, or for some reason cannot be accessed, counsel and/or self-represented parties are directed to call (925) 608-1000 during business hours. If the tentative ruling is satisfactory to counsel, he or she need not appear and the tentative ruling will become final. If counsel or self-represented litigants wish to appear, he or she may do so only after appropriately notifying the court and all other counsel or SRL of that intent. The tentative ruling shall become the ruling of the court unless by 4:00 p.m. the court day preceding the hearing, counsel or self-represented parties call the department rendering the decision to request argument. If a judge so indicates in the instructions accompanying the tentative ruling, the parties may also be required to specify what issues are to be argued. Calling counsel or self-represented parties requesting argument must advise all other affected counsel and self-represented parties by no later than 4:00 p.m. of his or her decision to appear and of the issues to be argued. Failure to timely advise the Court and counsel or self-represented parties will preclude any party from arguing the matter.

DATED: April 2, 2024

MAYALL HURLEY P.C.

By



JENNY D. BAYSINGER

Attorneys for Plaintiff and the Putative Class

PROOF OF SERVICE

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 112 S. Church Street, Lodi, CA 95240, that is located in the county where the mailing and/or delivery below took place.

On April 2, 2024, I served the following document:

**NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

addressed to:

Curtis A. Graham
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633 West 5th Street, 63rd Floor
Los Angeles, California 90071
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☐ **BUSINESS PRACTICE TO ENTRUST DEPOSIT TO OTHERS:** I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On the date specified below, at my place of business at Stockton, California a copy of the document described above was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid addressed to the individuals and/or entities mentioned above; and that envelope was placed for collection and mailing on that date following ordinary business practice.

☒ **BY EMAIL:** In accordance with Code of Civil Procedure, Section 1010.6, on the date specified below, I caused a copy of the document(s) described above to be sent to the person(s) at the e-mail address(es) listed above. My business e-mail address is lriley@mayallaw.com. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 2, 2024, at Lodi, California.


LINDSAY RILEY