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Attorneys for Plaintiffs CHRISTOPHER ORNELAS, on behalf of himself and all others similarly situated, and CHRISTOPHER NIETO, on behalf of himself and all others aggrieved

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CHRISTOPHER ORNELAS, on behalf of
himself and all others similarly situated and
CHRISTOPHER NIETO, on behalf of
himself and all others aggrieved,

Plaintiffs,

vs.

TEKSYSTEMS, INC., a Maryland
Corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 19STCV39944

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Carolyn B. Kuhl
Department 12

CLASS AND REPRESENTATIVE ACTION

**NOTICE OF MOTION AND MOTION FOR
ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS AND PAGA ACTION
SETTLEMENT, CONDITIONAL
CERTIFICATION, APPROVAL OF CLASS
NOTICE, AND SETTING FINAL FAIRNESS
HEARING DATE**

Date: March 27, 2024

Time: 10:00 a.m.

Dept: SS12

Judge: Carolyn B. Kuhl

Complaint filed: November 6, 2019

Trial date: Not set

PLEASE TAKE NOTICE that on March 27, 2024 at 10:00 a.m., or as soon as the matter may be heard before the Hon. Carolyn B. Kuhl in Department 12 of the above-entitled Court in the Spring Street Courthouse located at 312 North Spring Street, Los Angeles, California 90012 pursuant to California Rules of Court 3.769, Plaintiffs Christopher Ornelas and Christopher Nieto, on behalf of themselves and all other similarly-situated and aggrieved employees, will and do move this Court for an Order:

1. Preliminarily approving the Class and PAGA Action Settlement as fair, adequate, and reasonable based upon the terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement”), including payment by Defendant Teksystems, Inc. (“TEKsystems”) of the non-reversionary \$179,000 Gross Settlement Amount for the benefit of 25 Class Members and 316 Aggrieved Employees;

2. Conditionally certifying the above-captioned case as a class action for settlement purposes only;

3. Preliminarily approving payment of reasonable attorneys’ fees of \$59,660.70 and litigation costs of up to \$9,500 from the Gross Settlement Amount;

4. Preliminarily approving a Service Payment award of \$5,000 to each Plaintiff, as compensation for the burdens, responsibilities, time, effort, and risks involved in coming forward on behalf of the Class;

5. Preliminarily approving the PAGA Payment of \$75,000 of which \$56,250 (75%) will be paid to the California Labor Workforce and Development Agency for all applicable civil penalties pursuant to California Labor Code section 2698, *et seq.*, and \$18,750 (25%) will be distributed to Aggrieved Employees on a proportionate basis.

6. Preliminarily approving ILYM Group, Inc. as the Administrator, and further approving distribution of an amount up to \$7,500 from the Gross Settlement Amount to cover its expenses in noticing and administering this Settlement;

7. Approving the proposed Notice of Class Action Settlement (“Class Notice”), and directing distribution of it to the Class. The Notice advises the Class of the pendency of Class Action, the proposed Settlement, the timing, manner and procedure for requests for exclusion

1 and objections to the Settlement, of the automatic payment of their share of the settlement funds
2 without a claim form and the releases to be given in exchange for such payment, and of the final
3 approval hearing date, time and place; and

4 8. Setting a hearing date to consider the final approval of the Settlement, including
5 Class Counsel's application for attorneys' fees, litigation costs, the Service Payments, and the
6 Administrator's expenses.

7 Pursuant to Rule of Court 3.769(c), this motion is brought because the Parties have
8 reached a tentative Settlement they believe to be fair, reasonable and adequate and in the best
9 interests of the Class and the Parties. This motion is based on this Notice of Motion, the
10 Memorandum of Points and Authorities in Support, Declaration of Class Counsel Michael
11 Singer and Rodney Mesriani, Declaration of Class Representatives Christopher Ornelas and
12 Christopher Nieto, Declaration of Lisa Mullins on behalf of ILYM Group, the Agreement and
13 its exhibits, and the [Proposed] Order Granting Preliminary Approval of Class Action
14 Settlement filed and served herewith, the Court's files in this matter, and any and all other
15 documents or evidence which the Court may consider at the hearing of this Motion.

16 Respectfully submitted,

17 COHELAN KHOURY & SINGER
18 MESRIANI LAW GROUP, APLC

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20 Dated: January 17, 2024

By: 

21 Marta Manus, Esq.
22 Counsel for Plaintiffs CHRISTOPHER
23 ORNELAS and CHRISTOPHER NIETO
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