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ATTORNEYS FOR PLAINTIFF, DAVID KELLEY, JOSHUA
HENSON AND THOSE SIMILARLY SITUATED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA
UNLIMITED JURISDICTION

DAVID KELLEY AND JOSHUA
HENSON, INDIVIDUALLY AND ON BEHALF
OF THOSE SIMILARLY SITUATED,

PLAINTIFFS,

V.

OIL CHANGER, INC., A CALIFORNIA
CORPORATION, AND DOES 1 THROUGH 10,
INCLUSIVE,

DEFENDANTS.

) CASE No. HG21091500

) **NOTICE OF MOTION AND**
) **PLAINTIFFS' UNOPPOSED MOTION**
) **FOR PRELIMINARY APPROVAL OF**
) **CLASS ACTION/PAGA**
) **SETTLEMENT**

) **DATE: JUNE 4, 2024**

) **TIME: 1:30 P.M.**

) **DEPT: 21**

) **JUDGE: HON. NOEL WISE**

) RESERVATION No.: 982151955158

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on June 4, 2024 at 1:30 p.m., Plaintiffs David
3 Kelley and Joshua Henson will move this Court in Department 21 thereof, located at
4 1221 Oak Street, Oakland, CA 94612, for Preliminary Approval of Class Action/PAGA
5 Settlement in the above-captioned action pursuant to California Rules of Court, Rule
6 3.769 (Rule 3.769), Code of Civil Procedure § 382 and other applicable authority.
7 Among other things, Plaintiffs move the Court to do the following: (1) grant preliminary
8 approval of the class action/PAGA settlement, (2) conditionally certify the Settlement
9 Class for settlement purposes, (3) approve the form and method of Notice, (4) approve
10 Kevin Woodall of the Woodall Law Offices as Class Counsel, (5) approve Joshua
11 Henson and David Kelley as Class Representative and PAGA Representative,
12 respectively, (6) appoint Phoenix Settlement Administrators as settlement administrator,
13 and (7) approve the proposed mechanism for receiving and dealing with notices of
14 election to opt out of and object to the settlement. Plaintiffs' motion is unopposed.

15 Under Rule 3.769 and Code of Civil Procedure § 382, conditional certification of
16 the settlement class and appointment of class representative and counsel is appropriate
17 because the class is ascertainable, numerous class members exist, Plaintiffs have claims
18 typical of the settlement class and PAGA members, Plaintiffs and their counsel will
19 adequately represent the settlement class and PAGA members, common issues of fact
20 and law predominate and the settlement class is the superior method of resolving the
21 claims of settlement class members. Under the same authority, the settlement is fair,
22 adequate and reasonable given the thorough discovery conducted to date, the potential
23 damages and risks of continued litigation, the opinions of Plaintiffs' counsel and the fact
24 the parties reached the settlement before a respected mediator. Moreover, the proposed
25 Administrator has vast experience in this area and its rates are reasonable. Finally, the
26 proposed notice to settlement class members complies with due process requirements.

This motion is based upon this notice of motion and motion, the memorandum of points and authorities, the declarations of Kevin F. Woodall, Plaintiff Joshua Henson and Plaintiff David Kelley, and all other documents and records on file in this action.

WOODALL LAW OFFICES

DATE APRIL 25, 2024

BY /s/ KEVIN F. WOODALL
KEVIN F. WOODALL
ATTORNEYS FOR PLAINTIFFS, DAVID
KELLEY, JOSHUA HENSON AND
SIMILARLY SITUATED FORMER AND
CURRENT EMPLOYEES OF DEFENDANTS

PROOF OF SERVICE

I, Kevin F. Woodall, am a resident of the State of California and over the age of 18, and not a party to the within action; my business address is 100 Pine Street, Suite 1250, San Francisco, CA 94111.

ON APRIL 25, 2024, I CAUSED TO BE SERVED THE DOCUMENT(S) DESCRIBED AS:

NOTICE OF MOTION AND PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION/PAGA SETTLEMENT;

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION/PAGA SETTLEMENT;

DECLARATION OF JOSHUA HENSON IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION/PAGA SETTLEMENT;

DECLARATION OF DAVID KELLEY IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION/PAGA SETTLEMENT;

DECLARATION OF KEVIN WOODALL IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION/PAGA SETTLEMENT;

[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION/PAGA SETTLEMENT

on the following interested parties at the following address:

Caitlin I. Sanders
Caroline P. Donelan
BlankRome
2029 Century Park East, 6th Floor
Los Angeles, CA 90067

☐ (BY MAIL) I served the foregoing document(s) by U.S. mail. I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence was deposited with the United States Postal Service this same day in the ordinary course of business at Corte Madera, California.

☐ (BY FACSIMILE) I transmitted via facsimile, the document(s) listed above to the fax number(s) set forth above on this date from Corte Madera, California. The transmitting facsimile machine telephone number is (415) 413-4629.

☐ (BY FEDEX GROUND) I served the foregoing document(s) by placing it in a sealed envelope or container provided by Federal Express, affixing a pre-paid air bill for ground delivery, and causing the envelope or container to be delivered to a Federal Express agent or depositing it in a box or other facility regularly maintained by Federal Express.

1 ☐ (BY PERSONAL DELIVERY) I caused to be personally delivered the foregoing
document(s) to the individual(s) at the address(es) listed above.

2 ☒ (BY EMAIL and E-SERVICE) I served the foregoing documents by sending
3 them via email to Defendant's counsel listed above pursuant to COVID-19 local
and California orders and agreement.

4 Executed this April 25, 2024 at Corte Madera, California.

5 I declare under penalty of perjury under the laws of the State of California and the United
6 States that the above is true and correct.

7 /s/ Kevin F. Woodall
Kevin F. Woodall