

1 Galen T. Shimoda (Cal. State Bar No. 226752)
Justin P. Rodriguez (Cal. State Bar No. 278275)
2 Renald Konini (Cal. State Bar No. 312080)
Shimoda & Rodriguez Law, PC
3 9401 East Stockton Boulevard, Suite 120
Elk Grove, CA 95624
4 Telephone: (916) 525-0716
Facsimile: (916) 760-3733

5 Attorneys for Plaintiff AHMAD ZUBAIR HUSSAINI
6 individually and on behalf of similarly situated employees

7
8 **SUPERIOR COURT OF CALIFORNIA**
9
10 **FOR THE COUNTY OF SACRAMENTO**

11 AHMAD ZUBAIR HUSSAINI, individually
12 and on behalf of all other similarly situated
13 employees,

14 Plaintiff,

15 vs.

16 INTEGRATED RESOURCES, INC., a
17 California Corporation; SIEMENS
18 MOBILITY, INC., a Delaware Corporation;
and DOES 1 to 100, inclusive,

19 Defendants.

Case No. 34-2021-00297152

*Assigned for All Purposes to Hon. Jill H. Talley,
Department 25*

CLASS ACTION

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT**

Reservation No. 2662354

Date: November 4, 2022

Time: 9:00 a.m.

Dept.: 25

Filed: March 23, 2021

FAC Filed: May 12, 2021

Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on November 4, 2022, at 9:00 a.m., or as soon thereafter as the
3 matter may be heard in Department 25 of the above-entitled Court, Plaintiff Ahmad Zubair Hussaini,
4 individually and on behalf of all other similarly situated individuals, hereby moves for entry of an Order
5 for the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiff Ahmad Zubair Hussaini as class representative for
8 purposes of settlement;
- 9 3. Preliminarily appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of
10 settlement;
- 11 4. Preliminarily approving the proposed class action and Private Attorneys General Act
12 settlement, in the amount of \$395,000, which is incorporated herein by reference;
- 13 5. Preliminarily and conditionally approving the application for payment to Class Counsel of
14 attorneys' fees in the amount of 35% of the Gross Settlement Amount;
- 15 6. Preliminarily and conditionally approving the application for payment to Class Counsel of
16 reasonable costs not to exceed \$15,000;
- 17 7. Preliminarily and conditionally approving the Class Representative Enhancement Payment of
18 \$15,000 to Plaintiff Ahmad Zubair Hussaini;
- 19 8. Preliminarily approving the appointment of ILYM Group, Inc. as the Settlement
20 Administrator and for payment to ILYM Group, Inc. for administering said class action
21 settlement in an amount not to exceed \$20,000;
- 22 9. Preliminarily approving the settlement of claims under the Private Attorneys General Act for
23 the total amount of \$10,000, 75% of which will be paid to the Labor and Workforce
24 Development Agency and 25% of which will be paid to Aggrieved Employees;
- 25 10. Approving as to form and content the Notice of Settlement, which provide Class Members
26 information regarding the settlement, their ability to opt out of, or object to, the class action
27 settlement and which provides instruction on how to dispute an individual's settlement
28 allocation under the proposed settlement agreement;

- 1 11. Approving the proposed procedures to notify the class and determining that the proposed
2 notification procedures and process complies with Class Members' due process rights and
3 directing the Notice of Settlement to be sent by first class mail to Class Members;
4 12. Directing Defendants to report employment information, including social security numbers,
5 to the Settlement Administrator to administer the settlement proceeds;
6 13. Scheduling a fairness hearing on the question of whether the proposed settlement should be
7 finally approved as fair, reasonable, and adequate;
8 14. Directing that any portion of the Gross Settlement Amount from settlement checks that were
9 not cashed by the check cashing deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono,
10 Inc., and the Center for Workers Rights under the doctrine of *cy pres*;
11 15. Preliminarily and conditionally approving and adopting the Proposed Order and its
12 implementation schedule, which is filed herewith and incorporated by reference.

13 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
14 2699(l), and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action
15 and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class Members
16 and should be approved by the Court. This motion will be based on the notice of motion, memorandum
17 of points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of Ahmad Zubair
18 Hussaini, exhibits, the record and files of this case, and any further oral or documentary evidence
19 introduced at the hearing of this motion.

20 **Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter**
21 **by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the**
22 **department may be downloaded off the court's website. If the party does not have online access,**
23 **they may call the dedicated phone number for the department as referenced in the local telephone**
24 **directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and**
25 **receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the**
26 **court day before the hearing, no hearing will be held.**

27 Dated: October 11, 2022

Shimoda & Rodriguez Law, PC

28 By: 

Galen T. Shimoda
Justin P. Rodriguez
Renald Konini
Attorneys for Plaintiff