

JAMES HAWKINS APLC
James R. Hawkins (192925)
Christina Lucio (253677)
9880 Research Drive, Suite 200
Irvine, CA 92618
Tel.: (949) 387-7200
Fax: (949) 387-6676
Email: james@jameshawkinsaplc.com
Email: christina@jameshawkinsaplc.com

[additional counsel on next page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

GIANA BENSON, an individual; and
MONICA FOWLER, an individual, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

F21 OPCO, LLC dba FOREVER 21, a
Delaware Corporation; and DOES 1-10,
inclusive,

Defendants.

GIANA BENSON, and on behalf of the
general public as private attorneys
general,

Plaintiffs,

v.

F21 OPCO, LLC dba FOREVER 21, a
Delaware Corporation; and DOES 1-10,
inclusive,

Defendants.

Lead Case No.:
37-2021-00024619-CU-OE-CTL

Consolidated with:
Benson v. F21 OPCO, LLC, San Diego County,
37-2021-00037256-CU-OE-CTL

Assigned for All Purposes To:
Judge: Eddie C. Sturgeon
Dept.: C-67

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

Date: October 6, 2023

Time: 9:00 a.m.

Dept.: C-67

MELMED LAW GROUP P.C.

Jonathan Melmed (SBN 290218)

jm@melmed law.com

Laura Supanich (SBN 314805)

lms@melmedlaw.com

Maria Burciaga (SBN 334545)

mb@melmedlaw.com

1801 Century Park East, Suite 850

Los Angeles, California 90067

Phone: (310) 824-3828

Fax: (310) 862-6851

ACKERMANN & TILAJEF, P.C.

Craig J. Ackermann, Esq. (SBN 229832)

cja@ackermanntilajef.com

315 South Beverly Drive, Suite 504

Beverly Hills, California 90212

Telephone: (310) 277-0614

Facsimile: (310) 277-0635

Attorneys for Plaintiffs, the Conditionally Certified Class, and the Aggrieved Employees

1 **TO DEFENDANT F21 OPCO, LLC DBA FOREVER 21, AND TO ITS ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE THAT** on October 6, 2023 at 9:30 a.m., or as soon thereafter
4 as the matter may be heard, in Department 67 of the above-captioned court, located at the Hall of
5 Justice, Fourth Floor, 330 W Broadway, San Diego, CA 92101, before the Honorable C. Eddie
6 Sturgeon, Plaintiffs Giana Benson and Monica Fowler (“Plaintiffs”), individually, and on behalf
7 of the members of the conditionally certified class and group of aggrieved employees they seek to
8 represent, will and hereby do move this Court to (1) grant final approval of the Class Action and
9 PAGA Settlement Agreement reached between Plaintiffs and Defendant F21 Opco, LLC dba
10 Forever 21 (“Defendant”) (collectively “the Parties”), the terms of which are set forth in the Class
11 Action and PAGA Settlement Agreement (“Settlement”) attached as **Exhibit 1** to the supporting
12 Declaration of James R. Hawkins (“Hawkins Declaration”); (2) certify the Settlement Class for
13 Settlement Purposes; (3) grant the requested settlement administration expenses to the Settlement
14 Administrator, CPT Group, Inc., which administered the settlement; and (4) enter final judgement
15 substantially in the form of the proposed order submitted herewith. Plaintiffs concurrently bring a
16 motion for approval of the Class Representative Service Payments and Attorneys’ Fees and Costs.

17 The Settlement has been successfully administered, and good cause exists for granting the
18 Motion and finding the Settlement and settlement administration expenses to be fair, reasonable,
19 and appropriate.

20 This motion is brought pursuant to California Rule of Court 3.769 and California Code of
21 Civil Procedure section 382, and is based on this Notice of Motion and Motion; the Memorandum
22 of Points and Authorities in support of this Motion; the Declaration of James R. Hawkins; the
23 Declaration of Craig Ackermann; the Declaration of Jonathan Melmed; the Declarations of
24 Plaintiff Giana Benson and Monica Fowler on Preliminary Approval; the Declaration of Giana
25 Benson on Final Approval; the Declaration of Jennifer Forst of Settlement Administrator CPT
26 Group, Inc., the Proposed Order Granting Final Approval of Class Action and PAGA Settlement
27 and Judgement; all documents currently on file in this action including without limitation those
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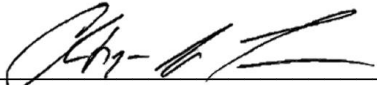
1 submitted in support of preliminary approval; the arguments of counsel; and such other and
2 further evidence as the Court may choose to entertain.

3 This motion is set to be heard concurrently with Plaintiffs' Motion for Attorney's Fees
4 and Costs, and Class Representative Service Awards.

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6 Dated: September 13, 2023

Respectfully Submitted:

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8 **JAMES HAWKINS, APLC**
9 **MELMED LAW GROUP, P.C.**
10 **ACKERMANN & TILAJEF, P.C.**

11 By: 

12 James R. Hawkins
13 Christina M. Lucio
14 Jonathan Melmed
15 Laura Supanich
16 Maria Burciaga
17 Craig J. Ackermann
18 Avi Kreitenberg
19 Attorneys for Plaintiffs
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PROOF OF SERVICE, COUNTY OF ORANGE

I am a resident of the State of California, County of Orange. I am over the age of eighteen years and not a party to the within action. My business address is 9880 Research Drive., Suite 200, Irvine, California 92618.

On September 13, 2023, I served on the interested parties in this action the following document(s) entitled:

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

DECLARATION OF JAMES R. HAWKINS IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND MOTION FOR FEES AND COSTS

DECLARATION OF CRAIG J. ACKERMANN IN SUPPORT OF UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT, AND AWARD OF ATTORNEY'S FEES AND COSTS

DECLARATION OF PLAINTIFF GIANA BENSON IN SUPPORT OF PLAINTIFFS' MOTION FOR ORDER GRANTING FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND ENTERING JUDGMENT

DECLARATION OF JONATHAN MELMED IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF JENNIFER FORST ON BEHALF OF CPT GROUP, INC. WITH RESPECT TO NOTIFICATION, PROOF OF PROCESSING AND REQUEST FOR EXCLUSION

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND ENTRY OF JUDGMENT

[XX] BY ELECTRONIC SERVICE: Based on a court Order or an agreement by the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from the email address irma@jameshawkinsaplc.com to the persons at the e-mail addresses listed in the Service List below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

SERVICE LIST

Please see page attached

[X] STATE: I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

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Executed on September 13, 2023, at Irvine, California.

/s/ Nicole Miccolis
Nicole Miccolis

SERVICE LIST

Jonathan Melmed, Esq.
Laura Supanich, Esq.
Maria Burciaga, Esq.
MELMED LAW GROUP P.C.
1801 Century Park East, Suite 850
Los Angeles, CA 90067
Tel: 310-824-3828
Fax: 310-862-6851
jm@melmedlaw.com
lms@melmedlaw.com
mb@melmedlaw.com

Craig J. Ackermann, Esq.
ACKERMANN & TILAJEF. P.C.
1180 South Beverly Dr., Suite 610
Los Angeles, CA 90035
Tel: 310-277-0614
Fax: 310-227-0635

Attorneys for Plaintiffs

Jennfer Terry, Esq.
Brittany Hernandez, Esq.
REED SMITH LLP
355 South Grand Ave, Suite 2900
Los Angeles, CA 90071

Mark Phillips, Esq.
SEALS PHILLIPS LLP
790 E. Colorado Blvd, Suite 900
Pasadena, CA 91101

Attorneys for Defendant

California Labor and Workforce Development Agency
Attn: PAGA Administrator
1515 Clay Street, Ste 801
Oakland, CA 94612
<http://www.dir.ca.gov/Private-Attorneys-General-Act>