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11 GAGNIER individually and on behalf of
12 all others similarly situated

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

11 DAVID D. GAGNIER, individually and
12 on behalf of all others similarly situated,

13 Plaintiff,

14 vs.

15 SITEONE LANDSCAPE SUPPLY,
16 LLC, a Delaware Limited Liability
17 Company; and DOES 1-10, inclusive,

Case No. 8:21-cv-01834 CJC (DFMx)
Hon. Cormac J. Carney

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT;
ATTORNEYS' FEES, COSTS,
SERVICE AWARD, AND
ADMINISTRATION COSTS;
MEMORANDUM OF POINTS AND
AUTHORITIES**

[Proposed] Order and Declarations of
Class Counsel James Hawkins,
Administrator Nick Castro of ILYM
Group, Inc. and Plaintiff Gagnier filed
concurrently herewith]

Date: October 2, 2023
Time: 1:30 p.m.
Courtroom: 9B

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

1 NOTICE IS HEREBY GIVEN that on October 2, 2023 at 1:30 p.m. before
2 the Honorable Cormac J. Carney in Courtroom 9B of the United States District
3 Court for the Central District of California, located at 411 West 4th Street, Santa
4 Ana, California 92701-4516, Plaintiff Gagnier ("Plaintiff"), on behalf of the
5 certified Class for settlement purposes, will and hereby does move this Court for
6 an Order which will:

- 7 1. Finally adjudicate the Settlement is fair, adequate, and reasonable;
- 8 2. Direct distribution of the Settlement benefits by the Settlement
9 Administrator to all participating class members or Settlement Class
10 Members in accordance with the Settlement Agreement;
- 11 3. Approve and direct the payment to the Settlement Administrator
12 from the Gross Settlement Fund or GSF \$20,000 for its fees and costs in
13 administering the Settlement in accordance with the Settlement
14 Agreement;
- 15 4. Approve and direct payment to Class Counsel in the amount of 1/3
16 of GSF for their attorneys' fees in the sum of \$266,666 and
17 reimbursement of their actual litigation costs of \$14,411.55 in
18 accordance with the Settlement Agreement.
- 19 5. Approve and direct the Class Representative Service Award to be
20 paid from the GSF to the Plaintiff Gagnier in the sum of \$7,500 in
21 accordance with the Settlement Agreement;
- 22 6. Approve administration costs in the sum of \$20,000.
- 23 7. Approve the PAGA Penalty Payment in the sum of \$50,000 and
24 direct \$37,500 (75%) of which to be paid to the Labor and
25 Workforce Development Agency ("LWDA") and the remainder to
26 Settlement Class members pursuant to the Settlement; and
- 27 8. Direct the Clerk of Court to enter final judgment; and without
28 affecting the finality of the final judgment, to reserve the Court's

1 continuing jurisdiction over the Parties for the purpose of
2 implementing, enforcing, or administering the Settlement.

3 This Motion is made on the grounds the proposed Settlement, which was
4 preliminarily approved by this Court on June 6, 2023 [Dkt. No. 39] is the product of
5 arms'-length, good-faith negotiations, and is fair and reasonable to the Class who
6 have embraced the Settlement as there is a 99.9% participation rate, with one (1)
7 exclusion and zero objections. The proposed Settlement should now be finally
8 approved, as more fully discussed in the attached Memorandum of Points and
9 Authorities in Support of Final Approval of Class Action Settlement and entering
10 Final Judgment.

11 This Motion is based upon this Notice of Motion, the attached
12 Memorandum of Points and Authorities, the Declarations of Class Counsel, the
13 Declaration of Nick Castro on behalf of ILYM Group, Inc., the Declaration of
14 Plaintiff Gagnier, the Order Granting Preliminary Approval of Class Action
15 Settlement, and such other records and files in this action, and such other matters
16 as may be properly presented at or before the hearing.

17 The Parties have met and conferred regarding the substance of this Motion and
18 Plaintiffs anticipate no objection to this Motion from Defendant.

19 Dated: September 1, 2023

JAMES HAWKINS APLC

20 By: /s/ Gregory Mauro

21 _____
22 James R. Hawkins, Esq.
Gregory Mauro, Esq.

23 Attorneys for Plaintiff DAVID D.
24 GAGNIER and for Members of
the Class

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CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023 I electronically filed the foregoing with the Clerk of the Court for the U.S. District Court, for the Central District of California using the CM/ECF system. All participants are registered CM/ECF users and will be served by the CM/ECF system.

Dated: September 1, 2023 By: /s/ Gregory Mauro
GREGORY MAURO, ESQ.