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10 **Attorneys for Plaintiff Jessica Collard and the Putative Class**

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF HUMBOLDT**

13 **JESSICA COLLARD,**

14 **Plaintiff,**

15 **v.**

16 **MURPHY'S MARKETS, INC., a**
17 **corporation; and DOES 1-100, inclusive,**

18 **Defendants.**

Case No.: CV2101368

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

Date: July 24, 2023

Time: 10:30 a.m.

Dept.: 4

19 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
RECORD:**

20 PLEASE TAKE NOTICE that, on July 24, 2023, at 10:30 a.m. or as soon thereafter as
21 counsel may be heard, in Department 4 of the above-entitled Court, Plaintiff Jessica Collard
22 ("Plaintiff" or "Collard"), Plaintiff will bring for hearing this Unopposed Motion for Preliminary
23 Approval of Class Action Settlement and Provisional Class Certification (the "Motion"). Plaintiff
24 respectfully requests the Court grant:

1. Preliminary and conditional certification of the Class described in the proposed Joint Stipulation of Class Action Settlement Agreement and Release (“Settlement Agreement”)¹;
2. Preliminary approval of Plaintiff Jessica Collard as class representative;
3. Preliminary approval of Mayall Hurley P.C., by and through Lead Counsel Robert J. Wassermann, and John P. Briscoe, as Class Counsel;
4. Preliminary approval of the Settlement Agreement, finding it to be fair, reasonable, adequate, and in the best interest of the Settlement Class;
5. Approval as to the form and content of the proposed Notice of Pendency of Class Action, Preliminary Approval of Settlement, and Hearing for Final Approval (“Class Notice”), a copy of which is attached as **Exhibit 2** to the Declaration of John P. Briscoe, or in form otherwise approved by the Court;
6. Approval as to the method of notice described in the Settlement Agreement;
7. Authorization for dissemination of the Class Notice pursuant to the terms of the Settlement Agreement;
8. An order appointing and approving Phoenix Settlement Administrators as Settlement Administrator, and for preliminary approval of the costs of administration of the Qualified Settlement Fund for an amount, as declared, not to exceed \$9,000 , to be paid out of the Qualified Settlement Fund;
9. Preliminary approval of a service payment in the amount of \$7,500 for Plaintiff in consideration for her services as Class Representative, to be paid from the Qualified Settlement Fund;
10. Preliminary approval of fees and costs to Class Counsel in the amount of one-third, of the Gross Settlement Amount, or \$133,333, and declared costs of up to \$20,000, to be paid from the Qualified Settlement Fund;

¹ Capitalized terms herein shall have the same meaning as in the Settlement Agreement, a copy of which is attached hereto as **Exhibit 1** to the Declaration of John P. Briscoe (“Briscoe Decl.”) filed concurrently herewith.

1 11. An order of preliminary approval containing a schedule for the implementation of the
2 terms of the Settlement Agreement, including deadlines for the mailing the Class
3 Notice, the filing of objections and opt-outs, and the filing of papers in connection with
4 the Final Approval Hearing; and

5 12. An order setting the Final Approval Hearing for the Court to consider final approval of
6 the Settlement Agreement and its terms, and an award of attorneys' fees and costs for
7 Settlement Class Counsel.

8 This Motion is based on the Notice of Motion; the Memorandum of Points and Authorities
9 below; the accompanying Declaration of John P. Briscoe (with exhibits); the pleadings, orders,
10 transcripts, and other papers on file in this matter; and any further evidence and arguments as may
11 be presented at the hearing of this matter.

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13 **DATED:** June 23, 2023

MAYALL HURLEY P.C.



14 By _____

15 ROBERT J. WASSERMANN

16 JOHN P. BRISCOE

17 Attorneys for Plaintiff and the Putative Class
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PROOF OF SERVICE

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 112 S. Church Street, Lodi, California 95240 that is located in the county where the mailing and/or delivery below took place.

On June 23, 2023, I served the following document:

PLAINTIFF'S NOTICE OF MOTION AND UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS AND REPRESENTATIVE ACTION SETTLEMENT

addressed to:

Laurie E. Yoon
Murchison & Cumming LLP
Mt. Diablo Plaza
2175 N. California Blvd., Ste. 900
Walnut Creek, CA 94596
Lyoon@murchisonlaw.com
Ken H. Moreno
kmoreno@murchisonlaw.com

☐ **BUSINESS PRACTICE TO ENTRUST DEPOSIT TO OTHERS:** I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On the date specified below, at my place of business at Stockton, California a copy of the document described above was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid addressed to the individuals and/or entities mentioned above; and that envelope was placed for collection and mailing on that date following ordinary business practice.

☐ **BY EXPRESS SERVICE CARRIER:** On the date specified below, I directed to be deposited in a box or other facility regularly maintained by Federal Express or delivered to a courier or driver authorized by said express service carrier to receive documents, a copy of the document mentioned above, in an envelope designed by the said express service carrier, with delivery fees paid or provided for, addressed to the individuals and/or entities mentioned above.

☒ **BY EMAIL:** In accordance with Code of Civil Procedure, Section 1010.6, on the date specified below, I caused a copy of the document described above to be sent to the person(s) at the e-mail address(es) listed above. My business e-mail address is riley@mayallaw.com.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 23, 2023, at Lodi, California.


LINDSAY RILEY SHIELDS