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11 **Attorneys for Plaintiff Jessica Collard**

12 **and the Class**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF HUMBOLDT**

15 **JESSICA COLLARD,**

16 **Plaintiff,**

17 **v.**

18 **MURPHY’S MARKETS, INC., a**
19 **corporation; and DOES 1-100, inclusive,**

20 **Defendants.**

Case No.: CV2101368

**NOTICE OF MOTION AND MOTION
FOR FINAL APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: December 11, 2023

Time: 10:30 a.m.

Dept.: 4

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

22 PLEASE TAKE NOTICE that on December 11, 2023 at 10:30 a.m., or as soon thereafter as
23 may be heard, in Department 4 of the above-entitled Court, Plaintiff Jessica Collard (“Plaintiff” or
24 “Collard”), individually and on behalf of a similarly situated class of individuals, will and does hereby
move this Court for entry of an Order pursuant to California Code of Civil Procedure section 382 and
California Rules of Court, Rule 3.769, as follows:

- 25 1. Confirming the certification of the Class, defined as “All current and former non-exempt
26 employees who worked directly for Murphy’s Markets, Inc. in California at any time from
27 September 23, 2017 through January 31, 2023.”

2. Confirming the certification of the Former Employee Subclass, defined as “All former nonexempt employees who worked directly for Murphy’s Markets, Inc. in California at any time from September 23, 2018 through January 31, 2023.”
3. Confirming the appointment of Plaintiff as Class Representative;
4. Confirming the appointment of Mayall Hurley P.C. as Class Counsel;
5. Granting final approval of the proposed Class and Representative Action Settlement Agreement and Release (“Settlement Agreement”); and
6. Setting a final compliance hearing on September 6, 2024, or thereafter as fits the Court’s calendar.

This Motion is made on the following grounds: (1) the Class continues to meet the requirements for class certification under Code of Civil Procedure section 382; (2) Plaintiff continues to be an adequate representative of the Class; (3) the Settlement Agreement is a fair, adequate, and reasonable compromise of disputed claims under the Labor Code; (4) the requested awards of Class Counsel Attorney’s Fees, Class Counsel Costs, Class Representative Enhancement Award, and Settlement Administration Costs (already approved preliminarily by the Court) are all fair, adequate, and reasonable; and (5) in light of the foregoing, the [Proposed] Order and Judgment of Final Approval of Class Action Settlement submitted herewith should be entered so as to give finality to, and allow for disbursements from the Settlement.

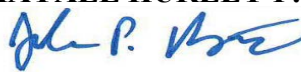
This Motion is based on this Notice of Motion; the Memorandum of Points and Authorities; the Declaration of John P. Briscoe; the Declaration of Kevin Lee Regarding Notice and Settlement Administration; the pleadings, orders, transcripts, and other papers on file in this matter; and any further evidence and arguments as may be presented at the hearing of this matter. This motion is not opposed by Defendant Murphy’s Markets, Inc.

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DATED: November 9, 2023

MAYALL HURLEY P.C.

By



ROBERT J. WASSERMANN

JOHN P. BRISCOE

Attorneys for Plaintiff

JESSICA COLLARD and the Class

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, CA 95240, that is located in the county where the mailing and/or delivery below took place.

On November 9, 2023, I served the following document:

NOTICE OF MOTION AND MOTION FOR FINAL 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(s) described above to be sent to the person(s) at the e-mail address(es) listed above. My business e-mail address is lriley@mayallaw.com. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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 November 9, 2023, at Lodi, California.


LINDSAY RILEY