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Attorneys for Rebecca De Benning, on behalf of herself
and all others similarly situated

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

REBECCA DE BENNING, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,
a Washington Corporation; and Does 1
Through 10, Inclusive,

Defendants.

Case No. 34-2021-00309030
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Jill H. Talley
Department 25

CLASS ACTION

**NOTICE OF MOTION AND MOTION FOR
ORDER GRANTING FINAL APPROVAL
OF CLASS ACTION SETTLEMENT AND
ENTERING JUDGMENT**

Hearing Set By Court (10/31/2022 Order)

Date: February 10, 2023
Time: 9:00 a.m.
Dept: 25
Judge: Honorable Jill H. Talley

Complaint filed: September 30, 2021
Trial date: Not set

1 PLEASE TAKE NOTICE, on February 10, 2023, at 9:00 a.m., or as soon as the matter
2 may be heard in Department 25 of the above captioned court, Gordon D. Schaber Courthouse
3 located at 720 9th Street, Sacramento, California, 95814, Honorable Jill H. Talley presiding,
4 Plaintiff Rebecca De Benning, on behalf of herself and the putative class, will move this Court
5 for an Order Granting Final Approval of Class Action Settlement and Entering Judgment as set
6 forth in the Class and PAGA Action Settlement Agreement, (“Agreement”), filed with this Court
7 on August 18, 2022. Plaintiff moves this Court to:

- 8 1. Finally adjudicate the Settlement is fair, reasonable, and adequate;
- 9 2. Direct distribution of Individual Settlement Payments by the Settlement
10 Administrator to all Participating Class Members in accordance with the Agreement;
- 11 3. Approve and direct payment to Class Counsel for their attorneys’ fees in the sum
12 of \$3,000,000.00 and reimbursement of their litigation costs of \$18,335.00;
- 13 4. Approve and direct the Class Representative Service Payment of \$10,000.00 to
14 Plaintiff Rebecca De Benning;
- 15 5. Approve and direct payment to Atticus Administration, LLC, the appointed
16 Settlement Administrator, of \$128,682.00 for its fees and costs in administering the Settlement;
- 17 6. Approve and direct the PAGA Payment to California’s Labor and Workforce
18 Development Agency of \$225,000.00 (75% of \$300,000.00);
- 19 7. Approve and direct the PAGA Payment to the Aggrieved Employees of
20 \$75,000.00 (25% of \$300,000.00);
- 21 8. Direct the Clerk of the Court to enter final judgment, and without affecting the
22 finality of the final judgment, to reserve the Court’s continuing jurisdiction over the Parties for
23 the purposes of implementing, enforcing, or administering the terms of the Agreement.

24 This motion is made on the grounds that the proposed Settlement, preliminarily approved
25 by this Court on October 31, 2022, is the product of arms’-length, good-faith negotiations, is
26 fair and reasonable to the Class, and should now be finally approved, as more fully discussed in
27 the accompanying Memorandum in Support of Final Approval of Class Action Settlement and
28 Entering Final Judgment.

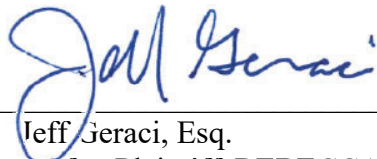
1 This motion is based on this Notice of Motion, the Memorandum of Points and
2 Authorities in Support, Declarations of Class Counsel Jeff Geraci and Sahag Majarian II,
3 Declaration of Plaintiff Rebecca De Benning, Declaration of Bryn Bridley on behalf of Atticus
4 Administration, LLC, the Agreement, the Notice of Class Action Settlement, the Order Granting
5 Preliminary Approval of Class Action Settlement filed October 31, 2022 (ROA #41), the
6 [Proposed] Order Granting Final Approval of Class Action Settlement and Entering Judgment,
7 the Court's files in this matter, including, but not limited to, the Motion for Preliminary
8 Approval of Class Action Settlement, and any other documents or evidence the Court may
9 consider at the hearing.

10 Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of
11 this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative
12 rulings for the department may be downloaded off the court's website. If the party does not have
13 online access, they may call the dedicated phone number for the department as referenced in the
14 local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before
15 the hearing and receive the tentative ruling.

16 Respectfully Submitted,

17 **COHELAN KHOURY & SINGER**
18 **LAW OFFICE OF SAHAG MAJARIAN II**

19
20 Dated: January 17, 2023

By: 

Jeff Geraci, Esq.

Attorneys for Plaintiff REBECCA DE BENNING, on
behalf of herself and all others similarly situated