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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF NEVADA

DONALD E. DELAHUNT, on behalf of himself
and others similarly situated, and the general public,

Plaintiff,

v.

RALEY'S, a California corporation; and DOES 1-
50, inclusive,

Defendants.

CLASS ACTION

Case No. CU21-085853

Hon. Thomas M. Anderson, Dept. 6

**NOTICE OF MOTION AND MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

Date: June 10, 2022
Time: 9:00 a.m.
Dept.: 6
Complaint Filed: September 29, 2021
Trial: Off Calendar

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, on June 10, 2022 at 9:00 a.m.or as soon thereafter as this matter may be heard in the Nevada County Superior Court, Dept. 6, the Honorable Thomas M. Anderson presiding, Plaintiff Donald E. Delahunt, on behalf of himself and others similarly situated, and Defendant Raley's will and hereby do move for an Order:

1. Granting preliminary approval of the settlement reached between Plaintiff and Defendant (collectively the "Parties"), the terms of which are set forth in the Joint Stipulation and Settlement For Class Action and Representative Action; Release of Claims (the "Joint Stipulation") attached as Exhibit A to the Memorandum of Points and Authorities in Support of Joint Motion for Preliminary Approval of Class Action and PAGA Settlement.

2. Pursuant to California Code of Civil Procedure section 382, and for purposes of, and solely in connection with, the Settlement, conditionally certifying, for settlement purposes only, a settlement class as defined as follows:

All persons the Defendant employed in the State of California as non-union exempt and non-exempt employees, who had the primary assignment to work at the locations of any stores operated by Defendant, and who received vacation wages calculated under the "Prior Union Calculation Formula," which resulted in an underpayment of vacation wages, during the period of September 29, 2017 to June 30, 2021 and who do not submit a timely and valid Request for Exclusion.

3. Preliminary approval of a non-reversionary settlement payment by Defendant in the maximum sum of \$346,000 to resolve all claims, fees, and costs relating to the Joint Stipulation, inclusive of all Net Settlement Payments to the Class Members, the Class Representative Incentive Payment, fees and costs to the Settlement Administrator, attorneys' fees and costs awarded to Class Counsel, and payment of PAGA penalties to the Labor Workforce Development Agency ("LWDA").

4. Preliminary approval of David Spivak of The Spivak Law Firm and Craig A. Diamond of Diamond, Baker, Mitchell LLP as Class Counsel.

5. Preliminary approval of Plaintiff as Class Representative.

6. Preliminary approval of the form and manner of Notice to the Class Members and approving the proposed schedule for the provision of Notice.

1 7. Preliminary approval of the appointment of Simpluris Class Action Settlement
2 Administration as the Settlement Administrator and preliminary approval of the costs of administration
3 of the Settlement for an amount estimated not to exceed \$13,000 to be paid from the Gross Settlement
4 Amount ("Settlement Administration Costs").

5 8. Preliminary approval of the Class Representative Incentive Payment to the Class
6 Representative up to \$10,000 to be paid from the Gross Settlement Amount.

7 9. Preliminary approval of the application by Class Counsel to the Court seeking an award
8 of attorneys' fees not to exceed \$85,000 and costs not to exceed \$10,000 to be paid out of the Gross
9 Settlement Amount.

10 10. Preliminary approval of the payment of \$4,000 from the Gross Settlement Amount to
11 fully settle and resolve all PAGA penalty claims, of which \$3,000, representing 75% consistent with
12 California Labor Code §§ 2699(i) and (j), will be paid to the LWDA, and \$1,000, representing 25%,
13 will become part of the Net Settlement Amount distributed to the participating Class Members.

14 11. Granting the Preliminary Approval Order substantially in the form submitted herewith.

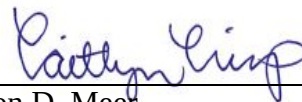
15 12. Setting a Final Approval hearing date.

16 This motion is brought pursuant to California Rule of Court 3.769 and California Code of Civil
17 Procedure section 382, and is based on this Notice of Motion and Motion, the Memorandum of Points
18 and Authorities in support of the Motion, the Declaration of Jon D. Meer, the Declaration of David
19 Spivak, the Declaration of Eric Springer on Behalf of Simpluris, Inc., the papers and records on file
20 herein, and on such oral and documentary evidence as may be presented at the hearing of the motion.

21 Dated: May 2, 2022

Respectfully submitted,

SEYFARTH SHAW LLP

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25 Jon D. Meer
26 Caitlyn Crisp
27 Justin Jackson
28 Attorneys for Defendant
RALEY'S