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15 and on behalf of all others similarly situated
16 and as a representative of aggrieved employees

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF SAN JOAQUIN**

19 IGNACIO MENDEZ and ADRIANA
20 RODRIGUEZ, individually and on behalf of
21 all others similarly situated,

22 Plaintiff,

23 vs.

24 WTMG, INC., a California corporation, et al,

25 Defendants.

Case No.: STK-CV-UOE-2021-0009144
Assigned to Hon. George J. Abdallah,
Dept. 10A

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT**

**[Filed concurrently with Memorandum
of Points and Authorities, Declarations
of Aaron Gundzik, Rodrigo Guevara,
Galen Shimoda, Ignacio Mendez,
Adriana Rodriguez and Jarrod Salinas
of Phoenix Settlement Administrators;
[Proposed] Order and [Proposed]
Judgment]**

**Date: November 1, 2024
Time: 9:00 a.m.
Place: Department 10A**

Complaint Filed: September 29, 2021

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on November 1, 2024, at 9:00 a.m. in Department
3 10A of the above-entitled Court, located at 180 E. Weber Ave., Stockton, CA 95202,
4 Plaintiffs Ignacio Mendez and Adriana Rodriguez will and, by this Notice of Motion and
5 Motion, hereby do, move for an Order as follows:

6 1. Granting final approval of a class action and Private Attorneys’ General Act
7 (“PAGA”) settlement in the gross amount of \$1,500,000

8 2. Approving a service and release payment in the amount of \$10,000 to
9 Representative Plaintiff Ignacio Mendez;

10 3. Approving a service and release payment in the amount of \$5,000 to
11 Representative Plaintiff Adriana Rodriguez;

12 4. Approving of the payment of settlement administration costs of \$16,500 to
13 the third-party settlement administrator, Phoenix Class Action Settlement Administrators
14 (“Phoenix” or “Settlement Administrator”);

15 4. Approving of a payment to the California Labor Workforce Development
16 Agency (“LWDA”) in the amount of \$37,500, which is 75% of the \$50,000 amount
17 allocated to settle the PAGA claims, with the other 25% (\$12,500) being distributed to the
18 PAGA employees;

19 5. Approving the payment of attorneys’ fees of \$525,000, which is 35% of the
20 gross settlement amount, and costs and expenses of \$35,000 to Class Counsel; and

21 6. Entering final judgment implementing the release of participating Class
22 Members’ claims.

23 Plaintiffs’ motion is made pursuant to California Rule of Court 3.769 and is based on
24 this Notice of Motion and Motion, the Memorandum of Points and Authorities submitted
25 concurrently herewith, the [Proposed] Final Approval order and [Proposed] Judgment, the
26 Declaration of Class Counsel Aaron C. Gundzik, the Declaration of Class Counsel Rodrigo
27 Guevara, the Declaration of Class Counsel Galen Shimoda, the Declaration of
28 Representative Plaintiff Ignacio Mendez, the Declaration of Representative Plaintiff Adriana

1 Rodriguez, the Declaration of Jarrod Salinas, on behalf of the Settlement Administrator,
2 Phoenix, the pleadings and other papers filed in this action, and such further argument or
3 evidence as may be considered at the hearing on the motion.

4 As this Motion will be unopposed, Plaintiffs respectfully request relief from the page
5 limit requirement set by California Rules of Court, Rule 3.1113(d).

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8 **Tentative rulings for Law and Motion will be posted electronically by 1:30 p.m. the day**
9 **before the hearing. Any party wishing to contest or argue the tentative ruling must**
10 **email the court at civilcourtclerks@sjcourts.org that they intend to appear remotely no**
11 **later than 4:00 PM on the day before the scheduled hearing. The Department and Case**
12 **Number must be in the header of the email. The email must include the Department,**
13 **Case number, Case Name, Motion, party's name and email, date and time of the**
14 **hearing, issues they plan to argue, and that they have informed the opposing party.**
15 **The party must also notify affected counsel, or unrepresented parties, that they intend**
16 **to appear, no later than 4:00 PM on the day before the scheduled hearing. Unless the**
17 **Court and opposing counsel have been notified, the tentative ruling shall become the**
18 **ruling of the Court without oral argument.**

19 DATED: October 9, 2024

GUNDZIK GUNDZIK HEEGER LLP

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By: 

Rebecca Gundzik

Attorneys for Plaintiffs Ignacio Mendez and
Adriana Rodriguez, individually and on behalf
of all others similarly situated