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Attorneys for Plaintiff JENIFER FISHER
individually and on behalf of similarly situated employees

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SHASTA

JENIFER FISHER, individually and on behalf
of all other similarly situated employees,

Plaintiff,

vs.

SHASCADE COMMUNITY SERVICES,
INC., a California Corporation; and DOES 1 to
100, inclusive,

Defendants.

Case No. CVCV21-0198378

*Assigned for All Purposes to Hon. Tamara L.
Wood, Department 8*

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION TO APPROVE PRIVATE
ATTORNEYS GENERAL ACT
SETTLEMENT; DISMISS CLASS CLAIMS
WITHOUT PREJUDICE, PAGA CLAIMS
AND INDIVIDUAL CLAIM WITH
PREJUDICE**

Date: August 28, 2023

Time: 8:30 a.m.

Dept.: 8

Judge: Hon. Tamara L. Wood

Filed: October 15, 2021

FAC Filed: January 20, 2022

SAC Filed: July 21, 2022

Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on August 28, 2023, at 8:30 a.m., or as soon thereafter as the
3 matter may be heard in Department 8 of the above-entitled Court, Plaintiff Jenifer Fisher (“Plaintiff”)
4 will move for entry of an Order for the following:

- 5 1. Finding that Plaintiff exhausted administrative remedies under the Private Attorneys General
6 Act (“PAGA”) and, as such, was authorized to enter into this settlement on behalf of the
7 Labor and Workforce Development Agency;
- 8 2. Approving the \$45,000 PAGA Settlement, which is incorporated by reference as if stated
9 here in full;
- 10 3. Approving the application for payment to Plaintiff’s Counsel of reasonable costs in the
11 amount of \$15,395.97;
- 12 4. Approving the appointment of ILYM Group, Inc. as the Settlement Administrator and for
13 payment to ILYM Group, Inc., for administering said settlement in an amount not to exceed
14 \$2,850.00;
- 15 5. Approving the application for payment to Plaintiff’s Counsel of reasonable attorneys’ fees of
16 35% of the Gross Settlement Amount;
- 17 6. Approving as to form and content the proposed Notice of Settlement, which provides
18 individuals within the scope of the Settlement information regarding the Settlement;
- 19 7. Approving the proposed procedures to notify, and deliver payment to, the individuals within
20 the scope of the Settlement;
- 21 8. Directing Defendant to report confidentially employment information, including social
22 security numbers, to the Settlement Administrator to administer the settlement proceeds;
- 23 9. Directing that any amount from settlement checks that were not cashed by the check cashing
24 deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for Workers
25 Rights under the doctrine of *cy pres*;
- 26 10. Dismissing the class claims and allegations without prejudice;
- 27 11. Dismissing the remainder of the action, including Plaintiff’s individual claims and claims
28 under the PAGA, with prejudice; and

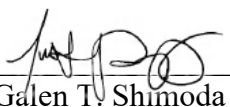
1 12. Approving and adopting the Proposed Order and its implementation schedule, which is filed
2 herewith and incorporated by reference.

3 This Motion is being made pursuant to California Labor Code section 2699(l)(2) on the grounds
4 that the proposed PAGA settlement is fair, reasonable, and adequate and furthers the purpose behind the
5 asserted California Labor Code statutes in deterring non-compliance. As a result, the PAGA settlement
6 should be approved by the Court. This Motion is also being made pursuant to California Rules of Court,
7 Rule 3.770 as Plaintiff is seeking the dismissal of the class claims and allegations without prejudice in
8 connection with the PAGA settlement. Further, upon said approval dismissing all remaining claims,
9 including PAGA claims and individual claims with prejudice. This motion will be based on the notice
10 of motion, memorandum of points and authorities, the Declaration of Justin P. Rodriguez, the
11 Declaration of Jenifer Fisher, exhibits, the record, and files of this case, and any further oral or
12 documentary evidence introduced at the hearing of this motion.

13
14 **Pursuant to Local Rule 5.17 (C) the Court does not follow the procedures described in Rules of**
15 **Court, Rule 3.1308(a). Tentative rulings appear on the calendar outside the court department on**
16 **the date of the hearing, pursuant to California Rule of Court, Rule 3.1308(b)(1). As a courtesy to**
17 **counsel, the court also posts tentative rulings no less than 12 hours in advance of the time set for**
18 **hearing. The rulings are posted on the court's website (www.shasta.courts.ca.gov) and are
19 **available by clicking on the "Tentative Rulings" link. A party is not required to give notice to the**
20 **Court or other parties of intent to appear to present argument.****

21 Dated: August 1, 2023

Shimoda & Rodriguez Law, PC

22 By: 
23 Galen T. Shimoda
24 Justin P. Rodriguez
25 Renald Konini
26 Attorneys for Plaintiff