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Attorneys for Plaintiff BARBARA LEAR  
 individually and on behalf of similarly situated employees

**SUPERIOR COURT OF CALIFORNIA  
 FOR THE COUNTY OF ALAMEDA**

BARBARA LEAR, individually and on behalf  
 of all other similarly situated employees,

Plaintiff,

vs.

RAXIUM, INC., a Delaware Corporation; and  
 DOES 1 to 100, inclusive,

Defendants.

**Case No. 21CV004358**

ASSIGNED FOR ALL PURPOSES TO:  
 JUDGE EVELIO GRILLO  
 DEPARTMENT 21

**PLAINTIFF'S NOTICE OF MOTION AND  
 MOTION TO APPROVE PRIVATE  
 ATTORNEYS GENERAL ACT  
 SETTLEMENT**

Reservation No. 420139153988

Date: August 17, 2022  
 Time: 10:00 a.m.

Filed: December 20, 2021  
 FAC Filed: March 15, 2022  
 Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on August 17, 2022, at 10:00 a.m., or as soon thereafter as the  
3 matter may be heard in Department 21 of the above-entitled Court, Plaintiff Barbara Lear ("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 \$135,000.00 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 \$9,625.26;
- 12 4. Approving the appointment of Simpluris, Inc., as the Claims Administrator and for payment  
13 to Simpluris, Inc., for administering said settlement in the amount of \$3,000.00;
- 14 5. Approving the application for payment to Plaintiff's Counsel of reasonable attorneys' fees of  
15 35% of the Gross Settlement Amount;
- 16 6. Approving as to form and content the proposed Notice of Settlement, which provides  
17 individuals within the scope of the Settlement information regarding the Settlement;
- 18 7. Approving the proposed procedures to notify, and deliver payment to, the individuals within  
19 the scope of the Settlement by first class mail;
- 20 8. Directing Defendant to report employment information, including social security numbers, to  
21 the claims administrator to administer the settlement proceeds;
- 22 9. Directing that any residue from settlement checks that were not cashed by the check cashing  
23 deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for Workers  
24 Rights under the doctrine of *cy pres*; and
- 25 10. Approving and adopting the Proposed Order and its implementation schedule, which is filed  
26 herewith and incorporated by reference.

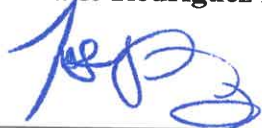
27 This Motion is being made pursuant to California Labor Code section 2699(1)(2) on the grounds  
28 that the proposed PAGA settlement is fair, reasonable, and adequate and furthers the purpose behind the

1 asserted California Labor Code statutes in deterring non-compliance. As a result, the PAGA settlement  
2 should be approved by the Court. This motion will be based on the notice of motion, memorandum of  
3 points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of Barbara Lear, exhibits,  
4 the record and files of this case, and any further oral or documentary evidence introduced at the hearing  
5 of this motion.

6 **Pursuant to Local Rule 3.30, The Court adopts the tentative ruling procedure set out in California**  
7 **Rules of Court, rule 3.1308(a)(1). The tentative ruling or notice to appear will generally be**  
8 **available by 4:00 p.m. two court days prior to the scheduled hearing and no later than 3:00 p.m.**  
9 **the court day before the hearing. Unless the Court directs otherwise, the Court's tentative ruling**  
10 **will be available on the court's website at [www.alameda.courts.ca.gov/tentativerulings](http://www.alameda.courts.ca.gov/tentativerulings) or by**  
11 **calling (866) 223-2244. Whenever a tentative ruling has not been issued, the parties are to appear**  
12 **at the hearing unless otherwise ordered. Further information on the Court's tentative ruling**  
13 **system and how to contest the tentative ruling may be found at the following web address:**  
14 **<https://www.alameda.courts.ca.gov/divisions/civil/tentative-rulings>**

15 Dated: July 21, 2022

Shimoda & Rodriguez Law, PC

By: 

Galen T. Shimoda  
Justin P. Rodriguez  
Attorneys for Plaintiff



## Court Reservation Receipt

### Reservation

|                                                                |                                                          |
|----------------------------------------------------------------|----------------------------------------------------------|
| Reservation ID:<br>420139153988                                | Status:<br>RESERVED                                      |
| Reservation Type:<br>Motion re: (Approval of PAGA Settlement ) | Number of Motions:<br>1                                  |
| Case Number:<br>21CV004358                                     | Case Title:<br>LEAR vs RAXIUM, INC.                      |
| Filing Party:<br>Barbara Lear (Plaintiff)                      | Location:<br>Rene C. Davidson Courthouse - Department 21 |
| Date/Time:<br>August 17th 2022, 10:00AM                        | Confirmation Code:<br>CR-ACFENSIDYUZDEDFXF               |

### Fees

| Description                 | Fee  | Qty | Amount |
|-----------------------------|------|-----|--------|
| Motion re: (name extension) | .00  | 1   | .00    |
| Court Technology Fee        | 1.00 | 1   | 1.00   |
| TOTAL                       |      |     | \$1.00 |

### Payment

|                                   |                              |
|-----------------------------------|------------------------------|
| Amount:<br>\$1.00                 | Type:<br>[REDACTED]          |
| Account Number:<br>XXXX[REDACTED] | Authorization:<br>[REDACTED] |
| Payment Date:<br>2022-07-11       |                              |

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