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5 Attorneys for Plaintiffs ELIZABET SANCHEZ
6 individually and on behalf of similarly situated employees

7 [additional parties continued on next page]

8 **SUPERIOR COURT OF CALIFORNIA**
9
10 **FOR THE COUNTY OF SAN JOAQUIN**

11 ELIZABET SANCHEZ and GRISELDA
12 RAMIREZ, individually and on behalf of all
13 other similarly situated employees,

14 Plaintiffs,

15 vs.

16 PACIFIC COAST PRODUCERS, a California
17 Corporation; and DOES 1 to 100, inclusive,

18 Defendants.

Case No. STK-CV-UOE-2021-11106

*Assigned for All Purposes to Hon. Robert T.
Waters, Department 11B*

CLASS ACTION

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

19 Date: _____
Time: 9:00 a.m.
20 Dept.: 11B
Judge: Hon. Robert T. Waters

21 Filed: December 7, 2021
22 FAC Filed: February 14, 2022
23 SAC Filed: March 29, 2023
24 TAC Filed: September 19, 2023
Trial Date: None Set

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15 Attorneys for Plaintiff GRISELDA RAMIREZ

16 individually and on behalf of similarly situated employees

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on _____, at 9:00 a.m., or as soon thereafter as
3 the matter may be heard in Department 11B of the above-entitled Court, Plaintiffs Elizabet Sanchez and
4 Griselda Ramirez, individually and on behalf of all other similarly situated individuals, hereby move for
5 entry of an Order for the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiffs Elizabet Sanchez and Griselda Ramirez as class
8 representatives for purposes of settlement;
- 9 3. Preliminarily appointing Galen T. Shimoda, Justin P. Rodriguez, and Renald Konini of
10 Shimoda & Rodriguez Law, PC, Daniel J. Hyun of Law Office of Daniel J. Hyun, and Jose
11 R. Garay of Jose Garay, APLC, as Class Counsel for purposes of settlement;
- 12 4. Preliminarily approving the proposed class action and Private Attorneys General Act
13 settlement, in the amount of \$2,053,000.00, which is incorporated herein by reference;
- 14 5. Preliminarily approving the appointment of Apex Class Action, LLC. as the Settlement
15 Administrator and for payment to Apex Class Action, LLC. for administering said class
16 action settlement in an amount not to exceed \$50,000;
- 17 6. Preliminarily approving the settlement of claims under the Private Attorneys General Act for
18 the total amount of \$100,000, 75% of which will be paid to the Labor and Workforce
19 Development Agency and 25% of which will be paid to PAGA Employees;
- 20 7. Approving as to form and content the Notice of Settlement, which provide Settlement Class
21 Members information regarding the settlement, their ability to opt out of, or object to, the
22 class action settlement and which provides instruction on how to dispute an individual's
23 settlement allocation under the proposed settlement agreement;
- 24 8. Approving the proposed procedures to notify the class and determining that the proposed
25 notification procedures and process complies with Settlement Class Members' due process
26 rights and directing the Notice of Settlement to be sent by first class mail to Settlement Class
27 Members;

- 1 9. Directing Defendant to report employment information, including social security numbers, to
2 the Settlement Administrator to administer the settlement proceeds;
- 3 10. Scheduling a fairness hearing on the question of whether the proposed settlement should be
4 finally approved as fair, reasonable, and adequate;
- 5 11. Directing that any amount from settlement checks that were not cashed by the check cashing
6 deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for Workers
7 Rights under the doctrine of *cy pres*;
- 8 12. Preliminarily and conditionally approving and adopting the Proposed Order and its
9 implementation schedule, which is filed herewith and incorporated by reference.

10 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
11 2699(l), and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action
12 and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Settlement Class
13 Members and should be approved by the Court. This motion will be based on the notice of motion,
14 memorandum of points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of Daniel
15 J. Hyun, the Declaration of Jose R. Garay, the Declaration of Elizabet Sanchez, the Declaration of
16 Griselda Ramirez, exhibits, the record and files of this case, and any further oral or documentary
17 evidence introduced at the hearing of this motion.

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24 **Tentative rulings for Law and Motion will be posted electronically by 1:30 p.m. the day before the**
25 **hearing. Any party wishing to contest or argue the tentative ruling must email the court at**
26 **civilcourtclerks@sjcourts.org that they intend to appear remotely no later than 4:00 PM on the**
27 **day before the scheduled hearing. The Department and Case Number must be in the header of the**
28 **email. The email must include the Department, Case number, Case Name, Motion, party's name**
and email, date and time of the hearing, issues they plan to argue, and that they have informed the
opposing party. The party must also notify affected counsel, or unrepresented parties, that they
intend to appear, no later than 4:00 PM on the day before the scheduled hearing. Unless the Court

1 and opposing counsel have been notified, the tentative ruling shall become the ruling of the Court
2 without oral argument.

3 Dated: January 23, 2024

Shimoda & Rodriguez Law, PC

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5 By: _____

6 Galen T. Shimoda
7 Justin P. Rodriguez
8 Renald Konini
9 Attorneys for Plaintiffs
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