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Attorneys for Plaintiffs SAM KEOPHIMANE and LUIS MEDINA
individually and on behalf of similarly situated employees

**SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN**

SAM KEOPHIMANE and LUIS MEDINA,
individually and on behalf of all other
similarly situated employees,

Plaintiffs,

vs.

TRACY AUTO L.P. (DBA TRACY
TOYOTA), a California Limited Partnership;
LOTT AUTOMOTIVE, INC., a California
Corporation; RONALD M. LOTT, an
individual; and DOES 1 to 100, inclusive,

Defendants.

Case No. STK-CV-UOE-2022-0001117

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

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

Date:

Time: 9:00 a.m.

Dept.: 11B

Judge: Hon. Robert T. Waters

Filed: February 14, 2022

Trial Date: None Set

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 the matter may
3 be heard in Department 11B of the above-entitled Court, Plaintiffs Sam Keophimane and Luis Medina
4 (“Plaintiffs”) will move for entry of an Order for the following:

- 5 1. Finding that Plaintiffs exhausted administrative remedies under the Private Attorneys
6 General Act (“PAGA”) and, as such, were authorized to enter into this settlement on behalf
7 of the Labor and Workforce Development Agency;
- 8 2. Approving the \$222,000 PAGA Settlement, which is incorporated by reference as if stated
9 here in full;
- 10 3. Approving the application for payment to Plaintiffs’ Counsel of reasonable costs in the
11 amount of \$13,128.85;
- 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 \$3,050.00;
- 15 5. Approving the application for payment to Plaintiffs’ Counsel of reasonable attorneys’ fees of
16 35% of the Gross Settlement Amount;
- 17 6. Approving the Enhancement Payments of \$10,000 each to Plaintiffs Sam Keophimane and
18 Luis Medina;
- 19 7. Approving as to form and content the proposed Notice of Settlement, which provides
20 individuals within the scope of the Settlement information regarding the Settlement;
- 21 8. Approving the proposed procedures to notify, and deliver payment to, the individuals within
22 the scope of the Settlement;
- 23 9. Directing Defendants to report employment information, including social security numbers,
24 to the Settlement Administrator to administer the settlement proceeds;
- 25 10. Directing that any amount from settlement checks that were not cashed by the check cashing
26 deadline be donated to Childrens Advocacy Center of California (CACC) under the doctrine
27 of *cy pres*; and
28

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

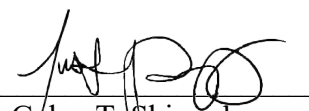
3 This Motion is being made pursuant to California Labor Code section 2699(1)(2) on the grounds
4 that the proposed PAGA settlement is fair, reasonable, and adequate and furthers the purpose behind the
5 asserted California Labor Code statutes in deterring non-compliance. As a result, the PAGA settlement
6 should be approved by the Court. This motion will be based on the notice of motion, memorandum of
7 points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of Sam Keophimane,
8 Declaration of Luis Medina, exhibits, the record and files of this case, and any further oral or
9 documentary evidence introduced at the hearing of this motion.

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

22 Dated: August 8, 2023

Shimoda & Rodriguez Law, PC

23 By: _____

24 
25 Galen T. Shimoda
26 Justin P. Rodriguez
27 Renald Konini
28 Attorneys for Plaintiffs