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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTHONY LINGLE, individually and on
behalf of all other similarly situated
employees,

Plaintiff,

vs.

CENTIMARK CORPORATION, a
Pennsylvania Corporation; and DOES 1 to
100, inclusive,

Defendant.

Case No. 2:22-CV-01471-KJM-JDP

CLASS ACTION

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

Date: January 23, 2025
Time: 10:00 a.m.
Courtroom: 3
Judge: Hon. Kimberly J. Mueller

Filed: December 2, 2021
FAC Filed: July 22, 2022
SAC Filed: October 7, 2022
Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on January 23, 2025, at 10:00 a.m., or as soon thereafter as the
3 matter may be heard in Courtroom 3, 15th Floor, of the above-entitled Court, Plaintiff Anthony Lingle,
4 individually and on behalf of all other similarly situated individuals, hereby moves for entry of an Order
5 for the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiff Anthony Lingle as class representative for purposes of
8 settlement;
- 9 3. Preliminarily appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of
10 settlement;
- 11 4. Preliminarily approving the proposed class action and Private Attorneys General Act
12 settlement, in the amount of \$600,000, which is incorporated herein by reference;
- 13 5. Preliminarily approving the appointment of Apex Class Action, LLC, as the Settlement
14 Administrator;
- 15 6. Preliminarily approving the settlement of claims under the Private Attorneys General Act for
16 the total amount of \$140,000, 75% of which will be paid to the Labor and Workforce
17 Development Agency and 25% of which will be paid to PAGA Members;
- 18 7. Approving as to form and content the Notice of Class Action Settlement, which provides
19 Class Members information regarding the settlement, their ability to opt out of, or object to,
20 the class action settlement and which provides instruction on how to dispute an individual's
21 settlement allocation under the proposed settlement agreement;
- 22 8. Approving the proposed procedures to notify the class and determining that the proposed
23 notification procedures and process complies with Class Members' due process rights and
24 directing the Notice of Class Action Settlement to be sent by first class mail to Class
25 Members;
- 26 9. Directing Defendant to report the Class Data, to the Settlement Administrator to administer
27 the settlement proceeds;
- 28

1 10. Scheduling a fairness hearing on the question of whether the proposed settlement should be
2 finally approved as fair, reasonable, and adequate;

3 11. Directing that any amount from settlement checks that were not cashed by the check cashing
4 deadline be donated to Salvation Army Sacramento Metro under the doctrine of *cy pres*; and

5 12. Preliminarily and conditionally approving and adopting the Proposed Order and its
6 implementation schedule, which is filed herewith and incorporated by reference.

7 This motion is being made pursuant to Federal Rule of Civil Procedure 23 and California Labor
8 Code section 2699(l)¹, on the grounds that the proposed class action and Private Attorneys General Act
9 settlement is fair, reasonable, and adequate as to all Class Members and should be approved by the
10 Court. This motion will be based on the notice of motion, memorandum of points and authorities, the
11 Declaration of Justin P. Rodriguez, the Declaration of Anthony Lingle, exhibits, the record and files of
12 this case, and any further oral or documentary evidence introduced at the hearing of this motion.

13 Additionally, and pursuant to Hon. Kimberly J. Mueller's Civil Standing Order ¶ 4(A)(a), the
14 undersigned certifies that the parties have met and conferred on the issues addressed in this motion and
15 agree that it is appropriate to be filed based on the Federal Rules of Civil Procedure, California Labor
16 Code, and related case law requiring Court review and approval of proposed Class and PAGA
17 settlements.

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20 Dated: December 16, 2024

Shimoda & Rodriguez Law, PC

21
22 By: /s/ Justin P. Rodriguez
23 Galen T. Shimoda
24 Justin P. Rodriguez
25 Renald Konini
26 Attorneys for Plaintiff

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28 ¹ Although the PAGA was recently amended, the amendments specifically state they are applicable to cases filed after June 19, 2024. *See* Cal. Lab. Code § 2699(v)(1). Because the PAGA notice predates this, all references to the PAGA in this Motion will be based on the statutory numbering applicable prior to the July 1, 2024, amendment.