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5 Attorneys for Plaintiff ARNOLD SERRANO
6 individually and on behalf of similarly situated employees

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8 **SUPERIOR COURT OF CALIFORNIA**
9
10 **FOR THE COUNTY OF SACRAMENTO**

11 ARNOLD SERRANO, individually and on
12 behalf of all other similarly situated
13 employees,

14 Plaintiff,

15 vs.

16 COOL TIME, LLC, a California Corporation;
17 and DOES 1 to 100, inclusive,

18 Defendants.

Case No. 34-2021-00312356

*Assigned for All Purposes to Hon. Lauri A. Damrell,
Department 28*

CLASS ACTION

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

Date: August 4, 2023

Time: 9:00 a.m.

Dept.: 28

Judge: Hon. Lauri A. Damrell

Filed: December 8, 2021

FAC Filed: February 10, 2022

Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on August 4, 2023, at 9:00 a.m., or as soon thereafter as the
3 matter may be heard in Department 28 of the above-entitled Court, Plaintiff Arnold Serrano,
4 individually and on behalf of all other similarly situated individuals, hereby moves for entry of an Order
5 for the following:

- 6 1. Certifying the proposed class herein for purposes of settlement;
- 7 2. Appointing Plaintiff Arnold Serrano as Class Representative for purposes of settlement;
- 8 3. Appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of settlement;
- 9 4. Approving the proposed class action and Private Attorneys General Act settlement, in the
10 gross amount of \$105,000, which is incorporated herein by reference;
- 11 5. Approving the application for payment of Class Counsel of attorneys' fees in the amount of
12 \$36,750;
- 13 6. Approving the application for payment to Class Counsel of reasonable costs in the amount of
14 \$3,301.21;
- 15 7. Approving the appointment of ILYM Group, Inc. as the Settlement Administrator and for
16 payment to ILYM Group, Inc. for administering said class action settlement in the amount of
17 \$6,377.40;
- 18 8. Approving the Class Representative Enhancement Payment of \$10,000 to Plaintiff Arnold
19 Serrano;
- 20 9. Approving the settlement of claims under the Private Attorneys General Act for the total
21 amount of \$5,000, 75% of which will be paid to the Labor and Workforce Development
22 Agency and 25% of which will be paid to Aggrieved Employees;
- 23 10. Determining that the class notification procedure and process complied with Class Members'
24 due process rights;
- 25 11. Directing that any amount from settlement checks that were not cashed by the check cashing
26 deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for Workers
27 Rights under the doctrine of *cy pres*;
- 28

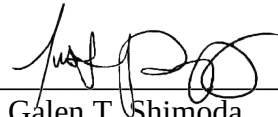
1 12. Approving and adopting the Proposed Order and its implementation schedule, which is filed
2 herewith and incorporated by reference.

3 This Motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
4 2699(l), and California Rules of Court 3.769 and 3.764, on the grounds that the preliminary approved
5 class action and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class
6 Members and should be approved by the Court. This motion will be based on the notice of motion,
7 memorandum of points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of
8 Arnold Serrano, the Declaration of Karen Hernandez, exhibits, the record and files of this case, and any
9 further oral or documentary evidence introduced at the hearing of this motion.

10 **Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter**
11 **by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the**
12 **department may be downloaded off the court's website. If the party does not have online access,**
13 **they may call the dedicated phone number for the department as referenced in the local telephone**
14 **directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and**
15 **receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the**
16 **court day before the hearing, no hearing will be held.**

17 Dated: July 11, 2023

Shimoda & Rodriguez Law, PC

18 By: 
19 Galen T. Shimoda
20 Justin P. Rodriguez
21 Renald Konini
22 Attorneys for Plaintiff
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