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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **IN AND FOR THE COUNTY OF MONTEREY**

15 ANGELA GARCIA, an individual, on
16 behalf of herself and on behalf of all
17 persons similarly situated,

18 Plaintiff,

19 vs.

20 SUNDERSTORM INC., a Corporation;
21 SUNDERSTORM BAY LLC, a Limited
22 Liability Corporation; and DOES 1
23 through 50, inclusive,

24 Defendants.

Case No. 22CV001827

**NOTICE OF MOTION AND MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: September 29, 2023
Hearing Time: 8:30 a.m.

Judge: Hon. Thomas W. Wills
Dept: 15

Action Filed: June 29, 2022
Trial Date: Not Set

1 **TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 YOU ARE HEREBY NOTIFIED THAT on September 29, 2023 at 8:30 a.m., in
3 Department 15 of the above entitled Court before the Honorable Thomas W. Wills, Plaintiff
4 Angela Garcia (“Plaintiff”) will apply for an order: (1) preliminarily approving the proposed
5 settlement of this class action with Defendants Sunderstorm Inc. and Sunderstorm Bay LLC
6 (“Defendants”); (2) for settlement purposes only, conditionally certifying the Class, which is
7 comprised of “all individuals who were employed by Defendants in California and classified
8 as a non-exempt employee at any time during the Class Period” of June 29, 2018 through
9 July 1, 2023; (3) provisionally appointing Plaintiff as the representative of the Class; (4)
10 provisionally appointing Norman B. Blumenthal, Kyle R. Nordrehaug, Aparajit Bhowmik,
11 Nicholas J. DeBlouw, Jeffrey S. Herman, and Sergio J. Puche of Blumenthal Nordrehaug
12 Bhowmik De Blouw LLP as Class Counsel for the Class; (5) approving the form and
13 method for providing class-wide notice; (6) directing that notice of the proposed settlement
14 be given to the Class; (7) appointing ILYM Group as the Administrator; and (8) scheduling
15 a final approval hearing date proposed for February 23, 2024 to consider Plaintiffs’ motion
16 for final approval of the settlement and entry of the Judgment, and Plaintiffs’ motion for
17 approval of attorneys' fees and expenses.

18 This motion for preliminary approval of the class settlement is brought pursuant to
19 California Rules of Court, rule 3.769. Plaintiffs’ motion will be based on this notice of
20 motion and motion, the accompanying memorandum of points and authorities, the
21 Declaration of Kyle Nordrehaug, the Declarations of Plaintiff Garcia, the Class Action and
22 PAGA Settlement Agreement (“Agreement”) between the Parties, and the complete files and
23 records in this action. Because all parties have agreed to the proposed class settlement, this
24 motion is not opposed by Defendant.

25 Respectfully submitted,

26 Dated: August 28, 2023

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

27 By: /s/ Kyle Nordrehaug
28 Kyle R. Nordrehaug, Esq., Attorney for Plaintiff