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

14 **IN AND FOR THE COUNTY OF SANTA CLARA**

15 TAMIKA WALKER and SHANNON
16 PEETE, individuals, on behalf of
17 themselves and on behalf of all persons
18 similarly situated,

19 Plaintiffs,

20 vs.

21 DJO, LLC, a Limited Liability
22 Company; and DOES 1 through 50,
23 inclusive,

24 Defendants.

Case No. 22CV400335

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

Hearing Date: August 10, 2023

Hearing Time: 1:30 p.m.

Judge: Hon. Sunil R. Kulkarni

Dept: 1

Date Filed: July 13, 2022

Trial Date: Not set

TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

YOU ARE HEREBY NOTIFIED THAT on August 10, 2023 at 1:30 p.m., in
Department 1 of the above entitled Court before the Honorable Sunil R. Kulkarni, Plaintiffs
Tamika Walker and Shannon Peete ("Plaintiffs") will apply for an order: (1) preliminarily

1 approving the proposed settlement of this class action with Defendant DJO, LLC
2 (“Defendant”); (2) for settlement purposes only, conditionally certifying the Class, which is
3 comprised of “all individuals who currently or previously have worked for Defendant in
4 California, including both Defendant's employees and temporary workers employed by
5 third-party staffing agencies and assigned to work for Defendant, in non-exempt positions at
6 any time during the Class Period” of August 2, 2018 to July 11, 2023; (3) provisionally
7 appointing Plaintiffs as the representatives of the Class; (4) provisionally appointing
8 Norman B. Blumenthal, Kyle R. Nordrehaug, Aparajit Bhowmik, Nicholas J. DeBlouw, and
9 Christine T. LeVu of Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel
10 for the Class; (5) approving the form and method for providing class-wide notice;
11 (6) directing that notice of the proposed settlement be given to the Class; (7) appointing
12 ILYM Group as the Administrator; and (8) scheduling a final approval hearing date
13 proposed for January 18, 2024 to consider Plaintiffs’ motion for final approval of the
14 settlement and entry of the Judgment, and Plaintiffs’ motion for approval of attorneys' fees
15 and expenses.

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

23 Respectfully submitted,

24 Dated: July 17, 2023

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

25 By: /s/ Kyle Nordrehaug
26 Norman B. Blumenthal, Esq.
27 Kyle R. Nordrehaug, Esq.
28 Attorney for Plaintiffs