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on behalf of himself and all others similarly situated

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Attorneys for Plaintiff HOWARD MOORE,
on behalf of himself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

ANTHONY GARCIA, and HOWARD
MOORE, on behalf of himself, and all
persons similarly situated;

Plaintiffs,

v.

SYSCO RIVERSIDE, INC., a Delaware
Corporation; SYSCO CORPORATION, a
Delaware Corporation; and DOES 1 through
50 inclusive,

Defendants.

Lead Case No. CVRI2103935
[Consolidated with Case No.: CVRI2201916]

Assigned for All Purposes to
Hon. Harold W. Hopp, Dept. 1

CLASS AND REPRESENTATIVE ACTION

**NOTICE OF MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT AND AWARD OF FEES,
COSTS, AND SERVICE PAYMENTS**

Date: December 13, 2024
Time: 8:30 a.m.
Trial Date: None set

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

2 **PLEASE TAKE NOTICE** that on December 13, 2024, at 8:30 a.m., or as soon thereafter as this
3 matter may be heard, before the Honorable Harold W. Hopp in Department 1 of the above referenced
4 Court, located at 4050 Main Street, Riverside, CA 92501, Plaintiffs Anthony Garcia and Howard Moore
5 (“Plaintiffs”), by and through their counsel of record, will and hereby do, move the Court for an Order:

- 6 1. Granting final approval to the Class Action and PAGA Settlement Agreement
7 (“Settlement” or “Settlement Agreement”) as fair, adequate, and reasonable;
- 8 2. Approving distribution of the settlement funds to the Participating Class Members and
9 Aggrieved Employees pursuant to the terms of the Settlement Agreement;
- 10 3. Approving Plaintiffs’ request for an award of the Class Representative Service Payments
11 to Plaintiffs pursuant to the terms of the Settlement Agreement;
- 12 4. Approving Class Counsel’s request for an award of the Class Counsel Fees Payment of
13 one-third of the Gross Settlement Amount, or \$722,573.00, and reimbursement of actual litigation
14 expenses of \$16,316.73 pursuant to the terms of the Settlement Agreement;
- 15 5. Approving Plaintiffs’ request for payment of the Administration Expenses Payment to
16 ILYM Group, Inc. in the amount of \$14,950.00, pursuant to the terms of the Settlement Agreement;
17 and
- 18 6. Entering the final approval order and judgment.

19 This Motion is made pursuant to Rule 3.769 of the California Rules of Court, which provides for
20 court approval of the settlement of a purported class action and allows the Court to grant final certification
21 of a class for settlement purposes. The Class Notice has been successfully administered, and good cause
22 exists for granting the Motion and finding the Settlement and settlement administration expenses to be
23 fair, reasonable, and appropriate.

24 This Motion will be based on the concurrently filed Memorandum of Points and Authorities and
25 the supporting Declarations of Samy M. Harmoush, James Hawkins, Anthony Garcia, Howard Moore,
26 and Nathalie Beltran of ILYM Group, Inc, upon the oral arguments of counsel, and on the complete
27 records and file herein.

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2 Dated: November 20, 2024

JAMES HAWKINS APLC

3
4 By:



James R. Hawkins

Christina M. Lucio

Mitchell J. Murray

Attorneys for Plaintiff HOWARD MOORE

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PROOF OF SERVICE, COUNTY OF ORANGE

I am a resident of the State of California, County of Orange. I am over the age of eighteen years and not a party to the within action. My business address is 9880 Research Drive., Suite 200, Irvine, California 92618.

On November 21, 2024, I served on the interested parties in this action the following document(s) entitled:

- **NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND AWARD OF FEES, COSTS, AND SERVICE PAYMENTS**
- **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND AWARD OF FEES, COSTS, AND SERVICE PAYMENTS**
- **DECLARATION OF JAMES R. HAWKINS IN SUPPORT OF PLAINTIFFS' MOTION FOR MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND AWARD OF FEES, COSTS, AND SERVICE PAYMENTS**
- **DECLARATION OF HOWARD MOORE IN SUPPORT OF PLAINTIFFS' MOTION FOR MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND AWARD OF FEES, COSTS, AND SERVICE PAYMENTS**
- **DECLARATION OF SAMY HARMOUSH IN SUPPORT OF PLAINTIFFS' MOTION FOR MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND AWARD OF FEES, COSTS, AND SERVICE PAYMENTS**
- **DECLARATION OF ANTHONY GARCIA IN SUPPORT OF PLAINTIFFS' MOTION FOR MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND AWARD OF FEES, COSTS, AND SERVICE PAYMENTS**
- **DECLARATION OF NATHALIE HERNANDEZ OF ILYM GROUP, INC., IN SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**
- **[PROPOSED] ORDER GRANTING MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND AWARD OF FEES, COSTS, AND SERVICE PAYMENTS**

[XX] BY ELECTRONIC SERVICE: Based on a court Order or an agreement by the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from the email address Nicole@jameshawkinsaplc.com to the persons at the e-mail addresses listed in the Service List below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

SERVICE LIST

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**SYSCO CORPORATION and
SYSCO RIVERSIDE, INC.**

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Attorney for Plaintiff

ANTHONY GARCIA, on behalf of himself and all others similarly situated

California Labor and Workforce Development Agency
Attn: PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612
<http://www.dir.ca.gov/Private-Attorneys-General-Act>

[X] **STATE:** I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

Executed on November 21, 2024, at Irvine, California



Nicole Miccolis