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Attorneys for Plaintiff DARWIN COLINAYO,
individually and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF PLACER

DARWIN COLINAYO and EDELMIRA
MALDONADO, on behalf of themselves and
all others similarly situated,

Plaintiff,

v.

MCKESSON MEDICAL-SURGICAL INC., a
Virginia Corporation, and DOES 1-50,
inclusive,

Defendants.

Case No. S-CV-0049039

Hon. Trisha Hirashima
Dept.: 42

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT AGREEMENT,
APPROVAL OF NOTICE TO CLASS
MEMBERS, APPROVAL OF
SETTLEMENT ADMINISTRATOR,
AND SETTING HEARING FOR FINAL
APPROVAL OF SETTLEMENT**

Date: October 29, 2024
Time: 8:30 a.m.

Complaint Filed: September 2, 2022
FAC Filed: August 29, 2024
Trial Date: None Set

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Attorneys for Plaintiff EDELMIRA MALDONADO,
individually and on behalf of other persons similarly situated

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

5 **NOTICE IS HEREBY GIVEN** that on October 29, 2024 at 8:30 a.m. or as soon thereafter
6 as the matter may be heard, in Department 42 of the Placer County Superior Court at the Hon.
7 Howard G. Gibson Courthouse located at 10820 Justice Center Drive, Roseville, CA 95678, before
8 the Honorable Alan Pineschi, Plaintiffs Darwin Colinayo and Edelmira Maldonado (“Plaintiffs”),
9 through their undersigned Class Counsel, will and hereby do move the Court for entry of the Order
10 Granting Plaintiffs’ Motion for Preliminary Approval of the Class Action and PAGA Settlement
11 Agreement filed concurrently herewith:

- 12
- 13 1. Provisionally certifying the following Class for purposes of settlement: all persons who
14 are or were employed by Defendant McKesson Medical-Surgical Inc. (“Defendant”) as
15 hourly paid, non-exempt employees who worked in distribution centers in the State of
16 California at any time during the period from June 28, 2018 through April 7, 2024 (“Class
17 Period”), except those employed in the position of delivery driver.
 - 18 2. Preliminarily appointing Plaintiffs as Class Representatives for purposes of settlement
19 only;
 - 20 3. Appointing James R. Hawkins and Christina M. Lucio of James Hawkins APLC and
21 Zorik Mooradian and Haik Hacopian of Mooradian Law, APC as Class Counsel for
22 purposes of settlement;
 - 23 4. Preliminarily approving the class action portion of the settlement as fair, adequate, and
24 reasonable, and approving the PAGA portion of the Settlement based upon the terms set
25 forth in the Class Action and PAGA Settlement Agreement (the “Settlement”), including
26 payment by Defendant of the non-reversionary Gross Settlement Amount of
27 \$3,500,000.00;
- 28

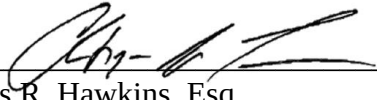
5. Preliminarily approving payment of reasonable attorneys' fees and costs from the Gross Settlement Amount in an amount of up to 35% of the Gross Settlement Amount (\$1,225,000.00), plus actual litigation costs up to \$50,000.00;
6. Preliminarily approving the Class Representatives' Service Payments to Plaintiffs in an amount of \$10,000.00 each from the Gross Settlement Amount to compensate them for the burden, responsibility, time, effort, and risk involved in coming forward on behalf of the Class and for their general releases of claims broader than the Class release;
7. Approving payment to the LWDA of 75% of the \$175,000.00 allocated to PAGA penalties, totaling \$131,250.00, from the Gross Settlement Amount;
8. Preliminarily approving Apex Class Action LLC as the Settlement Administrator and further approving distribution of up to \$15,378.00 from the Gross Settlement Amount to cover the Settlement Administrator's expenses in administering this Settlement;
9. Directing distribution to the Class of the Notice of Class Action and PAGA Settlement (the "Class Notice"), including notice of the opportunity to exclude oneself from, or object to, the Settlement (except for its PAGA component); and
10. Setting a date for a final fairness hearing to determine, following dissemination of Notice to the Class, whether to grant final approval to the Settlement.

This Motion is based upon this Notice of Motion and Motion; the Memorandum of Points and Authorities in Support thereof; the Declarations of James R. Hawkins, Esq., Christina M. Lucio, Esq., Zorik Mooradian, Esq., Haik Hacopian, Esq., Darwin Colinayo, Edelmira Maldonado, and Anthony Rogers of Apex Class Action LLC in support thereof; the Class Action and PAGA Settlement Agreement; the Proposed Order Granting Preliminary Approval of the Class Action and PAGA Settlement Agreement; all other records, pleadings, and papers filed in this Action; and upon such other evidence or argument as may be presented to the Court at the hearing of this Motion.

1 Respectfully submitted,

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3 **JAMES HAWKINS APLC**

4 Dated: September 10, 2024

By: 

James R. Hawkins, Esq.

Christina Lucio, Esq.

Nicholas Schieffelin, Esq.

7 **MOORIDIAN LAW, APC**

8
9 Dated: September 10, 2024

By: /s/ Haik Hacopian, Esq.

Zorik Mooradian, Esq.

Haik Hacopian, Esq.

Attorneys for Plaintiffs and the Putative Class