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Attorneys for Plaintiff Romello Sheppard

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

ROMELLO SHEPPARD, individually and on
behalf of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the California
Private Attorneys General Act;

Plaintiff,

vs.

GHIRARDELLI CHOCOLATE COMPANY,
a California corporation; and DOES 1 through
100,

Defendants.

Case No.: 22CV020713
Hon. Noel Wise, Dept. 21

Reservation ID No: 213827830452

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

**[Filed concurrently with Memorandum
of Points and Authorities, Declarations
of Joanna Ghosh, Aaron Gundzik,
Romello Sheppard, and Phoenix
Settlement Administrators; and
[Proposed] Order]**

**Date: October 8, 2024
Time: 1:30 p.m.
Dept.: 21**

Complaint Filed: October 27, 2022

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 8, 2024, at 1:30 p.m. in Department 21
of the above-entitled Court, located at 2233 Shore Line Drive Alameda, CA 94501, Plaintiff

1 Romello Sheppard will, and by this Notice of Motion and Motion, hereby does, move for an
2 Order as follows:

3 1. Granting preliminary approval of a class action settlement pursuant to Rules
4 of Court 3.766 and 3.769;

5 A. Provisionally certifying the proposed class for settlement purposes only as an
6 opt-out class action under Section 382 of the Code of Civil Procedure, with the Class defined
7 as all current and former hourly-paid or non-exempt employees who worked for Defendant
8 within the State of California at any time during the Class Period (October 27, 2018, through
9 April 19, 2024).

10 2. Appointing Plaintiff as the class representative for the Class;

11 4. Appointing Edwin Aiwazian, Joanna Ghosh, Aaron C. Gundzik and Rebecca
12 G. Gundzik as Class Counsel for the Class;

13 5. Approving Phoenix Settlement Administrators (“Phoenix”) as the third-party
14 settlement claims administrator;

15 6. Approving the form of the Notice of Proposed Class Action Settlement and
16 Hearing Date for Court Approval to be sent to the class and authorizing its dissemination;

17 7. Scheduling a subsequent hearing for final approval of the settlement,
18 including approval of PAGA penalties in the amount of three hundred fifty thousand dollars
19 (\$350,000.00), 75% of which will be paid to the California Labor and Workforce
20 Development Agency (“LWDA”), with the remaining 25% paid to PAGA Members,
21 approval of a service and release award to the class representative not exceeding ten
22 thousand dollars (\$10,000.00), for costs of settlement administration not exceeding eighteen
23 thousand seven hundred fifty thousand dollars (\$18,750), for costs and expenses to Class
24 Counsel not exceeding twenty-five thousand dollars (\$25,000.00), for an award of attorneys’
25 fees to Class Counsel in an amount not exceeding \$1,102,500; and

26 8. Granting such other and further relief as the Court may deem just and proper.

27 Plaintiff’s motion is based on this Notice of Motion and Motion, the concurrently-
28 filed Memorandum of Points and Authorities, the [Proposed] Preliminary Approval Order,

1 the Declarations of the proposed Class Counsel, Joanna Ghosh and Aaron C. Gundzik, the
2 Declaration of Plaintiff Romello Sheppard, the Declaration of Jodey Lawrence of Phoenix
3 Settlement Administrators, the pleadings and other papers filed in this action, and such
4 further argument or evidence as may be considered at the hearing on the motion.

5 As this Motion will be unopposed, Plaintiff respectfully requests relief from the page
6 limit requirement set by California Rules of Court, Rule 3.1113(d).

7 Attached hereto is the Court Reservation Receipt for the motion reservation ID
8 number.

11 DATED: August 20, 2024

GUNDZIK GUNDZIK HEEGER LLP

12
13 By: 

Rebecca G. Gundzik

Attorneys for Plaintiff Romello Sheppard,
individually and on behalf of all others
similarly situated



Court Reservation Receipt

Reservation

Reservation ID: 213827830452	Status: RESERVED
Reservation Type: Motion for Order (Motion for Order Granting Preliminary Approval of Class Action Settlement)	Number of Motions: 1
Case Number: 22CV020713	Case Title: SHEPPARD vs GHIRARDELLI CHOCOLATE COMPANY, A CALIFORNIA CORPORATION
Filing Party: Romello Sheppard (Plaintiff)	Location: Rene C. Davidson Courthouse - Department 21
Date/Time: October 8th 2024, 1:30PM	Confirmation Code: CR-MBHSYJCV97ZFB22AT

Fees

Description	Fee	Qty	Amount
Motion for Order (name extension)	.00	1	.00
Court Technology Fee	1.00	1	1.00
TOTAL			\$1.00

Payment

Amount: \$1.00	Type: Visa
Account Number: XXXX3007	Authorization: 064255
Payment Date: 2024-08-19	

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