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7 Attorneys for Plaintiff Marjan Warmilee and the Class

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SACRAMENTO**
11

12 MARJAN WARMILEE, individually and on
13 behalf of all others similarly situated,

14 Plaintiff,

15 vs.

16 LENDBUZZ FUNDING, LLC; LENDBUZZ
INC; DOES 1 to 20, inclusive,

17 Defendants.
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Case No. 34-2022-00328422

CLASS ACTION

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

Date: October 20, 2023
Time: 9:00 a.m.
Dept.: 27
Reservation No.: A-328422-001

Action Filed: October 14, 2022

Trial Date: None Set

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

2 PLEASE TAKE NOTICE that on October 20, 2023 at 9:00 a.m., in Department 27 of
3 the above-entitled Court, Plaintiff Marjan Warmilee, individually and on behalf of all
4 similarly situated individuals, will, and hereby does, move for entry of an Order for the
5 following:

- 6 1. Provisionally and conditionally certifying the proposed class herein for purposes of
7 settlement;
- 8 2. Preliminarily appointing Plaintiff Marjan Warmilee as class representative for purposes
9 of settlement;
- 10 3. Preliminarily and conditionally approving the payment of class representative
11 enhancement award of \$10,000.00 to Plaintiff;
- 12 4. Preliminarily appointing the firm of Castle Law, California Employment Counsel, PC,
13 as class counsel for purposes of settlement;
- 14 5. Preliminarily and conditionally approving the proposed class action settlement, which is
15 incorporated herein by reference;
- 16 6. Preliminarily and conditionally approving the application for payment to class counsel
17 of reasonable costs in an amount not to exceed \$15,000.00;
- 18 7. Preliminarily and conditionally approving the appointment of ILYM as the class action
19 settlement administrator and for payment to ILYM for administering said class action
20 settlement in an amount estimated at \$3,750.00;
- 21 8. Preliminarily and conditionally approving the application for payment to class counsel
22 of reasonable attorneys' fees in the amount of \$69,999.99 (33.33% of Settlement
23 Amount);
- 24 9. Approving as to form and content the proposed Notice of Proposed Class Action
25 Settlement ("Class Notice"), which provide the settlement class information regarding
26 the settlement, their ability to participate, opt out of, or object to, the class action
27 settlement and which provides instruction on how to dispute an individual's settlement
28 allocation under the proposed settlement agreement;

- 1 10. Approving the proposed procedures to notify the class and determining that the
2 proposed notification procedures and process complies with class members' due process
3 rights and directing the Class Notice to be mailed by first class mail to the settlement
4 class members;
- 5 11. Directing Defendant to report employment information, including social security
6 numbers, to the claims administrator to administer the settlement proceeds;
- 7 12. Scheduling a fairness hearing on the question of whether the proposed settlement should
8 be finally approved as fair, reasonable, and adequate as to the members of the
9 settlement class;
- 10 13. Directing that any residue from settlement checks that were not cashed within 180 days
11 of issuance be paid to Center for Workers' Rights, a non-profit 501(c)(3) organization
12 that provides civil legal services to low-wage and disadvantaged workers organization,
13 as the *cy pres* recipients pursuant to Code of Civil Procedure Section 384, subject to
14 Court approval; and
- 15 14. Preliminarily and conditionally approving and adopting the Proposed Order and its
16 implementation schedule, which is filed herewith and incorporated by reference.

17 This motion is being made pursuant to Civil Procedure Code section 382, Labor Code
18 section 2699(1), and California Rule of Court 3.769 on the grounds that the proposed class action
19 and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all class
20 members and should be approved by the Court. This motion will be based on the notice of motion,
21 memorandum of points and authorities, the Declarations of Timothy B. Del Castillo and Kent L.
22 Bradbury, the Declaration of Plaintiff Marjan Warmilee, exhibits, the record and files of this case,
23 and any further oral or documentary evidence introduced at the hearing of this motion.

1 Dated: August 18, 2023

CASTLE LAW: CALIFORNIA EMPLOYMENT
COUNSEL, PC

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3 By 
4 Kent L. Bradbury
5 Timothy B. Del Castillo
6 Attorneys for Plaintiff MARJAN WARMILEE
7 AND THE CLASS
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