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5 Counsel for Plaintiff
JUAN MANUEL NINO RICO

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7 **SUPERIOR COURT OF CALIFORNIA**
8 **IN AND FOR THE COUNTY OF SANTA CLARA**
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10 JUAN MANUEL NINO RICO, individually,
11 and on behalf of all others similarly situated
and aggrieved,

12 Plaintiff,

13 vs. F M A LANDSCAPE SERVICES, INC.,
14 a California corporation, MIGUEL A.
MEDINA, an individual, and DOES 1
15 through 20, inclusive,

16 Defendants.
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CASE NO. 23CV409762

Assigned for All Purposes to:
Hon. Theodore C. Zayner
Dept. 19

NOTICE OF MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND REQUEST FOR
ATTORNEY'S FEES AND COSTS

[Filed concurrently with Memorandum of Points
& Authorities; Declarations of J. Kirk Donnelly
and Jarrod Salinas; [Proposed] Order]

Date: January 15, 2025
Time: 1:30 p.m.
Dept.: 19

1 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on January 15, 2025, at 1:30 p.m. or as soon thereafter as
3 the matter may be heard, in Department 19 of the above-captioned Court, located at 191 N. First
4 St. San Jose, California, plaintiff Juan Manuel Nino Rico, on behalf of himself and the
5 conditionally certified settlement class, will and hereby does move the Court for an order granting
6 final approval of the proposed class action settlement, approving the payment of civil penalties,
7 approving the class representative service payment provided for the class action settlement, and
8 approving payment of the Settlement Administrator's fees and expenses. Plaintiff also will and
9 hereby does move the Court for an order granting an award of attorney's fees in the amount of
10 \$120,000.00 (1/3 of the gross settlement amount) and costs in the amount of \$6,523.38, as
11 provided in the proposed class action settlement.

12 This motion is brought under California Rule of Court 3.769, on the grounds that the
13 settlement is fair, reasonable and adequate and in the best interests of the class, and meets all
14 requirements for class certification. The requested class representative service payment is fair and
15 reasonable under the circumstances of the case. The requested attorney's fees and costs are fair
16 and reasonable under the circumstances of the case.

17 This motion will be based on this Notice of Motion and Motion, the accompanying
18 Memorandum of Points and Authorities, the Settlement Agreement, the accompanying
19 Declarations of J. Kirk Donnelly and Jarrod Salinas, the Court's entire file herein, and on such
20 further evidence and argument as may be presented at the hearing.

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22 Dated: December 19, 2024

LAW OFFICES OF J. KIRK DONNELLY, APC

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25 J. Kirk Donnelly
26 Attorneys for Plaintiff
27 JUAN MANUEL NINO RICO
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