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Attorneys for Plaintiff Olga Lydia L. Rodriguez,
on behalf of herself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

OLGA LYDIA L. RODRIGUEZ,
individually and on behalf of herself and
all others similarly situated,

Plaintiff,

v.

C FOOD CONCEPTS, INC., a California
Corporation, doing business as SIZZLER,
and DOES 1-50, inclusive,

Defendants.

Case No. 23STCV01589

Assigned for All Purposes to:

Hon. Elihu M. Berle

Dept. 6

**NOTICE OF MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT
AGREEMENT, APPROVAL OF CLASS
NOTICE, AND CONDITIONAL
CERTIFICATION OF THE SETTLEMENT
CLASS**

Date: June 3, 2024

Time: 9:00 a.m.

Dept.: 6

Complaint Filed: January 25, 2023

FAC Filed: March 31, 2023

Trial Date: None Set

TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 3, 2024 at 9:00 a.m. in Department 6 of the Superior Court of California, County of Los Angeles, located at the Spring Street Courthouse, 312 North Spring Street, Los Angeles, California 90012, before the Hon. Elihu M. Berle, or as soon thereafter as this matter can be heard, Plaintiff Olga Rodriguez (“Plaintiff”) will and hereby does move this Court for an order:

1. Granting preliminary approval of the Class Action and PAGA Settlement Agreement and Class Notice (“Settlement”) reached between Plaintiff and Defendant C Food Concepts, Inc., dba Sizzler (“Defendant”) (collectively the “Parties”), attached as **Exhibit 1** to the supporting Declaration of James R. Hawkins;

2. Pursuant to California Code of Civil Procedure section 382, and for purposes of, and solely in connection with, the Settlement, conditionally certifying, for settlement purposes only, a Class as defined in the Settlement;

3. Approving James Hawkins and Christina Lucio of James Hawkins, APLC as Class Counsel;

4. Approving Plaintiff Olga Rodriguez as the Class Representative;

5. Finding the Parties’ proposed Notice of Class Action Settlement (“Class Notice”) is the best means practicable of providing notice under the circumstances and when completed according to the terms of the Settlement shall constitute due and sufficient notice of this Action, the Settlement, and the Final Approval Hearing to all persons affected by and/or authorized to participate in the Settlement in full compliance with California Rule of Court 3.769, California Code of Civil Procedure section 382, and the requirement of due process;

6. Approving the form and content of the proposed Notice of Class Action Settlement (attached with the Settlement as **Exhibit 1** to the Hawkins Decl.), and establishing a schedule for the dissemination of the Notice Packet to Class Members as well as the deadlines for Class Members to object to or opt out in connection with the Settlement;

7. Approving CPT Group, Inc. as the Settlement Administrator in this matter;

1 8. Granting the Preliminary Approval Order substantially in the form of the
2 proposed order submitted herewith;

3 9. Scheduling a hearing on final approval of the Settlement at which Class Members
4 may be heard, to determine all necessary matters concerning the Settlement, including whether
5 the Settlement is fair, adequate, and reasonable, whether this Court should grant final approval,
6 whether to grant Class Counsel's application for an award of fees and costs, and whether to grant
7 Plaintiff's application for a Class Representative Enhancement Award.

8 This motion is brought pursuant to California Rule of Court 3.769 and California Code of
9 Civil Procedure section 382, and is based on this Notice of Motion and Motion; the
10 Memorandum of Points and Authorities in support of the Motion; the Declaration of James R.
11 Hawkins in Support of Motion for Preliminary Approval; the Declaration of Olga Rodriguez in
12 Support of Motion for Preliminary Approval, all documents currently on file in this action; the
13 arguments of counsel; and such other and further evidence as the Court may choose to entertain.

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15 Dated: April 29, 2024

JAMES HAWKINS APLC

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18 James R. Hawkins, Esq.
Christina M. Lucio, Esq.

19 Attorneys for Plaintiff Olga Rodriguez,
20 individually and on behalf of all others
21 similarly situated
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PROOF OF SERVICE

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 April 29, 2024, I served on the interested parties in this action the following document(s) entitled:

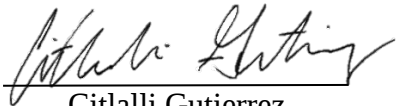
- **NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AGREEMENT, APPROVAL OF CLASS NOTICE, AND CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS**
- **DECLARATION OF OLGA LYDIA L. RODRIGUEZ IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AGREEMENT**
- **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AGREEMENT**
- **CLASS ACTION AND PAGA SETTLEMENT AGREEMENT AND CLASS NOTICE**
- **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AGREEMENT, APPROVAL OF CLASS NOTICE, AND CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS**
- **DECLARATION OF JAMES R. HAWKINS IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AGREEMENT**

[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 citlalli@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.

SEE SERVICE LIST BELOW

[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 April 29, 2024, at Irvine, California.


Citlalli Gutierrez

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