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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **IN AND FOR THE COUNTY OF SACRAMENTO**

15 MARIAH MACIAS, an individual, on
16 behalf of herself and on behalf of all
17 persons similarly situated,

18 Plaintiffs,

19 vs.

20 POSITIVE BEHAVIOR SUPPORTS
21 CORP., a California Corporation; and
22 DOES 1 through 50, inclusive,

23 Defendants.

CASE NO.: **34-2023-00337859-CU-OE-GDS**

**NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: February 7, 2025

Hearing Time: 9:00 a.m.

Reservation ID # **A-337859-006**

Judge: Hon. Laurie A Damrell

Dept: 22

Date Filed: April 12, 2023

Trial Date: Not set

1 **TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 YOU ARE HEREBY NOTIFIED THAT at 9:00 a.m. on February 7, 2025 in
3 Department 22 at the above entitled Court before the Honorable Laurie A Damrell, Plaintiff
4 Mariah Macias (“Plaintiff”) will apply for an order: (1) preliminarily approving the proposed
5 settlement of this class action with Defendant Positive Behavior Supports Corp.
6 (“Defendant”); (2) for settlement purposes only, conditionally certifying the Class, which is
7 comprised of “all individuals who are or previously were employed by Defendant in
8 California and classified as a non-exempt employee at any time during the Class Period”; (3)
9 provisionally appointing Plaintiff as the representative of the Class; (4) provisionally
10 appointing Norman B. Blumenthal, Kyle R. Nordrehaug, and Aparajit Bhowmik of
11 Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel; (5) approving the form
12 and method for providing class-wide notice; (6) directing that notice of the proposed
13 settlement be given to the class; (7) appointing ILYM Group, Inc. as Administrator, and
14 (8) scheduling a final approval hearing date, proposed for June 27, 2025 which is at least
15 120 days from preliminary approval, to consider Plaintiff’s motion for final approval of the
16 settlement and for approval of attorneys’ fees and expenses.

17 This unopposed motion for preliminary approval of the class settlement is brought
18 pursuant to California Rules of Court, rule 3.769. Plaintiff’s motion will be based on this
19 notice of motion and motion, the accompanying memorandum of points and authorities, the
20 Declaration of Kyle Nordrehaug, the Declaration of the Plaintiff, the Class Action and
21 PAGA Settlement Agreement (“Agreement”) between the Parties, and the complete files and
22 records in this action. Because all Parties have agreed to the proposed class settlement, this
23 motion is not opposed by Defendant.

24 Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits
25 of this matter by 2:00 p.m., the court day before the hearing. The complete text of the
26 tentative ruling may be downloaded off the court's website. If the party does not have online
27 access, they may call the dedicated phone number for the department as referenced in the
28 local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day

1 before the hearing and receive the tentative ruling. If you do not call the court and the
2 opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.

3 Respectfully submitted,

4 Dated: January 13, 2025

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

By: /s/ Kyle Nordrehaug
Kyle R. Nordrehaug, Esq.
Attorney for Plaintiff

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