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Attorneys for Plaintiff TARA TROTTER
individually and on behalf of similarly situated employees

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

TARA TROTTER, individually and on behalf
of all other similarly situated employees,

Plaintiff,

vs.

SEC TRANSPORTATION, INC., a California
Corporation; STOCKTON EDUCATIONAL
CENTER, INC., an unknown association; and
DOES 1 to 100, inclusive,

Defendants.

Case No. STK-CV-UOE-2023-0003641

*Assigned for All Purposes to Hon. Jayne Lee,
Department 10C*

CLASS ACTION

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

Date: _____
Time: 9:00 a.m.
Dept. 10C
Judge: Hon. Jayne Lee

Filed: April 11, 2023
FAC Filed: July 7, 2023
Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on _____ at 9:00 a.m., or as soon thereafter as
3 the matter may be heard in Department 10C of the above-entitled Court, Plaintiff Tara Trotter,
4 individually and on behalf of all other similarly situated individuals, will move for entry of an Order for
5 the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiff Tara Trotter as class representative for purposes of
8 settlement;
- 9 3. Preliminarily appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of
10 settlement;
- 11 4. Preliminarily approving the proposed class action and Private Attorneys General Act
12 settlement, in the amount of \$200,000, which is incorporated herein by reference;
- 13 5. Preliminarily approving the application for payment to Class Counsel of attorneys' fees in
14 the amount of 35% of the Gross Settlement Amount;
- 15 6. Preliminarily approving the application for payment to Class Counsel of reasonable costs not
16 to exceed \$15,000;
- 17 7. Preliminarily and conditionally approving the Class Representative Enhancement Payment of
18 \$5,000 to Plaintiff Tara Trotter;
- 19 8. Preliminarily approving the appointment of ILYM Group, Inc. as the Settlement
20 Administrator and for payment to ILYM Group, Inc. for administering said class action
21 settlement in an amount not to exceed \$15,000;
- 22 9. Preliminarily approving the settlement of claims under the Private Attorneys General Act for
23 the total amount of \$10,000, 75% of which will be paid to the Labor and Workforce
24 Development Agency and 25% of which will be paid to Aggrieved Employees;
- 25 10. Approving as to form and content the Notice of Settlement, which provide Class Members
26 information regarding the settlement, their ability to 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 11. Approving the proposed procedures to notify the class and determining that the proposed
- 2 notification procedures and process complies with Class Members' due process rights and
- 3 directing the Notice of Settlement to be sent by first class mail to Class Members;
- 4 12. Directing Defendants to report employment information, including social security numbers,
- 5 to the Settlement Administrator to administer the settlement proceeds;
- 6 13. Scheduling a fairness hearing on the question of whether the proposed settlement should be
- 7 finally approved as fair, reasonable, and adequate;
- 8 14. Directing that any amount from settlement checks that were not cashed by the check cashing
- 9 deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for Workers
- 10 Rights under the doctrine of *cy pres*;
- 11 15. Preliminarily and conditionally approving and adopting the Proposed Order and its
- 12 implementation schedule, which is filed herewith and incorporated by reference.

13 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
14 2699(l), and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action
15 and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class Members
16 and should be approved by the Court. This motion will be based on the notice of motion, memorandum
17 of points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of Tara Trotter,
18 exhibits, the record and files of this case, and any further oral or documentary evidence introduced at the
19 hearing of this motion.

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23 **Tentative rulings for Law and Motion will be posted electronically by 1:30 p.m. the day before the**
24 **hearing. Any party wishing to contest or argue the tentative ruling must email the court at**
25 **civilcourtclerks@sjcourts.org that they intend to appear remotely no later than 4:00 PM on the**
26 **day before the scheduled hearing. The Department and Case Number must be in the header of the**
27 **email. The email must include the Department, Case number, Case Name, Motion, party's name**
28 **and email, date and time of the hearing, issues they plan to argue, and that they have informed the**
opposing party. The party must also notify affected counsel, or unrepresented parties, that they
intend to appear, no later than 4:00 PM on the day before the scheduled hearing. Unless the Court

1 and opposing counsel have been notified, the tentative ruling shall become the ruling of the Court
2 without oral argument.
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4 Dated: February 2, 2024

Shimoda & Rodriguez Law, PC

6 By: _____

7 Galen T. Shimoda
8 Justin P. Rodriguez
9 Renald Konini
10 Attorneys for Plaintiff
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