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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

GLORIA NAZARENO, et al.,

Plaintiffs,

vs.

ANAND, INC, dba JACK IN THE BOX et al.,

Defendants.

) CASE NO. 34-2020-00278363

)

) CLASS ACTION

)

) **PLAINTIFFS' NOTICE OF MOTION**

) **AND MOTION FOR FINAL**

) **APPROVAL OF CLASS ACTION**

) **SETTLEMENT**

)

) [Filed Concurrently herewith: Memorandum

) of Points & Authorities; Declarations of

) Class Counsel (Glen Van Dyke and

) Matthew R. Schoech); Declaration of the

) Claims Administrator (Christina Fowler);

) and Request for Judicial Notice]

)

) Date: February 9, 2024

) Time: 9:00 a.m.

) Dept.: 22

) Judge: Hon. Lauri A. Damrell

)

) Complaint filed: May 8, 2020

) Trial Date: Not Set

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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Please take notice that on February 9, 2024, at 9:00 a.m., or as soon thereafter as the matter may be heard in Department 22 of the above-entitled court, located at 720 Ninth Street, Sacramento, California, Plaintiffs Gloria Nazareno, et a., individually and on behalf of all other similarly situated individuals, hereby moves for entry of an Order for the following:

1. Final approval of the class action settlement and all terms therein (except as modified by the Court's Order Approving Preliminary Approval of Class Action Settlement), including the Gross Settlement Amount of \$260,000, pursuant to California Rules of Court, Rule 3.769;

2. Approving payment to ILYM Group, Inc., for administering said class action settlement in an amount not to exceed \$17,650;

3. Approving the Class Representative Enhancement Payments totaling \$10,000, with \$5,000 each to Gloria Nazareno and Eloise Iyar;

4. Approving the application for payment to Class Counsel of attorneys' fees in the amount of \$86,666.67 (33 1/3% of the Gross Settlement Amount);

5. Approving the application for payment to Class Counsel of reasonable costs not to exceed \$23,000 (actual costs total \$19,611.96);

6. Approving the PAGA Payment amount of \$10,000 to be paid as civil penalties for the resolution of all claims under the Private Attorneys General Act, Labor Code section 2698, et seq., to be allocated 75% to the Labor Workforce Development Agency and 25% to the Settlement Class Members as part of the net settlement amount;

7. Directing that any funds associated with any uncashed settlement checks should be tendered to the State Controller's Unclaimed Property Fund in the name of the Qualified Claimant and/or Aggrieved Employee;

1 8. Directing that any funds above the 40% threshold for which no claims are made
2 and no checks issued may revert to Defendant;

3 9. Approving and adopting the Proposed Order and its implementation schedule,
4 which is filed herewith and incorporated by reference.

5 This motion is being made pursuant to Code of Civil Procedure section 382 and
6 California Rule of Court Rule 3.769, on the grounds that the parties have participated in arms-
7 length negotiations and arrived at a settlement which is fair, reasonable, and adequate as to all
8 class members and should be approved by the Court. This motion will be based on this Notice
9 of Motion, Memorandum of Points and Authorities, the Declaration of Matthew Schoech,
10 exhibits, the Motion for Preliminary Approval of Class Action Settlement and supporting
11 papers, the record and files of this case, and any further oral or documentary evidence
12 introduced at the hearing of this motion.
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15 "Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of
16 this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative
17 rulings for the department may be downloaded off the court's website. If the party does not have
18 online access, they may call the dedicated phone number for the department as referenced in the
19 local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before
20 the hearing and receive the tentative ruling. If you do not call the court and the opposing party
21 by 4:00 p.m. the court day before the hearing, no hearing will be held."
22
23

24 DATED: January 17, 2024

Respectfully submitted,
SCHOECH LAW GROUP, PC

25
26 By: 
27 MATTHEW R. SCHOECH
28 Attorney for Plaintiff