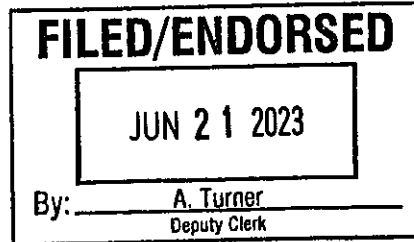


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12 Attorneys for Plaintiff

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SACRAMENTO

15 GLORIA NAZARENO, et al.,) CASE NO. 34-2020-00278363
16)
17 Plaintiffs,) CLASS ACTION
18 vs.)
19 ANAND, INC, dba JACK IN THE BOX et al.,) PLAINTIFFS' NOTICE OF MOTION
20) AND MOTION FOR PRELIMINARY
21 Defendants.) APPROVAL OF CLASS ACTION
22) SETTLEMENT
23)
24) Date: July 14, 2023 BY FAX
25) Time: 9:00 a.m.
26) Dept.: 28
27) Judge: Hon. Jill Talley
28)
29) Complaint filed: May 8, 2020
30) Trial Date: Not Set
31)

32 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

33 Please take notice that on July 14, 2023, at 9:00 a.m., or as soon thereafter as the matter

1 may be heard in Department 28 of the above-entitled court, located at 720 Ninth Street,
2 Sacramento, California, Plaintiffs Gloria Nazareno, et a., individually and on behalf of all other
3 similarly situated individuals, hereby moves for entry of an Order for the following:

4 1. Preliminarily approving the proposed class action Settlement Agreement and all
5 terms therein, including the Gross Settlement Amount of \$260,000, which is incorporated herein
6 by reference;

8 2. Preliminarily certifying the proposed class herein for purposes of settlement;

9 3. Approving as to form and content the Notice of Class Action Settlement attached
10 as **Exhibit C** to the Declaration of Matthew R. Schoech;

11 4. Directing the mailing of the Notice of Settlement by first class mail to Class
12 Members;

14 5. Preliminarily appointing Plaintiffs Gloria Nazareno and Eloise Iyar as Class
15 Representatives for purposes of settlement;

16 6. Preliminarily appointing the Schoech Law Group, PC and the Van Dyke
17 Litigation & Trial Attorneys, PC, as Class Counsel for purposes of settlement;

19 7. Preliminarily approving the appointment of ILYM Group, Inc. as the Claims
20 Administrator and payment to ILYM Group, Inc., for administering said class action settlement
21 in an amount not to exceed \$17,650;

22 8. Preliminarily and conditionally approving the Class Representative Enhancement
23 Payments totaling \$10,000, with \$5,000 each to Gloria Nazareno and Eloise Iyar;

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

27 10. Preliminarily approving the application for payment to Class Counsel of
28

1 reasonable costs not to exceed \$23,000;

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

7 12. Directing that any residue from net settlement amount or PAGA payment not
8 claimed by class member to be returned to Defendant;

9 13. Scheduling a final approval hearing on the question of whether the proposed
10 settlement should be finally approved as fair, reasonable, and adequate; and,
11

12 14. Preliminarily and conditionally approving and adopting the Proposed Order and
13 its implementation schedule, which is filed herewith and incorporated by reference.

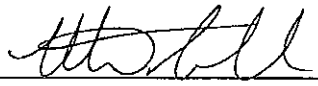
14 This motion is being made pursuant to Code of Civil Procedure section 382 and
15 California Rule of Court Rule 3.769, on the grounds that the proposed class action settlement is
16 fair and reasonable, and adequate as to all class members and should be approved by the Court.
17 This motion will be based on this Notice of Motion, Memorandum of Points and Authorities,
18 the Declaration of Matthew Schoech, exhibits, the record and files of this case, and any further
19 oral or documentary evidence introduced at the hearing of this motion.
20

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

1 by 4:00 p.m. the court day before the hearing, no hearing will be held."
2

3 DATED: 6/21/23
4

Respectfully submitted,
SCHOECH LAW GROUP, PC

5 By: 
6 MATTHEW R. SCHOECH
7 Attorney for Plaintiff
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