

Eric K. Yaeckel [CSB No. 274608]

yackel@sullivanlawgroupapc.com

Ryan T. Kuhn [CSB No. 324538]

ryan@sullivanlawgroupapc.com

SULLIVAN & YAECKEL LAW GROUP, APC

2330 Third Avenue

San Diego, California 92101

(619) 702-6760 * (619) 702-6761 FAX

Counsel for Plaintiffs SHEILA LOPEZ, GEORGINA BAUTISTA and FE ADRIANO, Individually,
on behalf of the Proposed FLSA Collective and Class Action

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

SHEILA LOPEZ, GEORGINA BAUTISTA,
AND FE ADRIANO, on Behalf of
Themselves and All Those Similarly Situated,

Plaintiff

v.

WILLISTON FINANCIAL GROUP, LLC, a
Delaware Limited Liability Company; WFG
NATIONAL TITLE INSURANCE
COMPANY, a Florida Corporation; MY
HOME, A WILLISTON FINANCIAL
GROUP COMPANY, LLC, a Delaware
Limited Liability Company; WFG
NATIONAL TITLE COMPANY OF
CALIFORNIA, a California Corporation;
WFG NATIONAL TITLE COMPANY OF
CLARK COUNTY WA, LLC, a business
entity unknown; WFG NATIONAL TITLE
COMPANY OF WASHINGTON, a business
entity unknown; WFG NATIONAL TITLE
COMPANY OF TEXAS, LLC, a business
entity unknown; WFG LENDER SERVICES,
LLC, a business entity unknown; and DOES
1-10, inclusive

Defendants

CASE NO. 24CU015835C

**MEMORANDUM IN SUPPORT OF
UNOPPOSED EX PARTE SEEKING AN
ORDER SHORTENING TIME TO
HEAR PLAINTIFFS' *UNOPPOSED*
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: December 3, 2024

Time: 8:30 a.m.

Dept.: 66

Judge: Hon. Wendy M. Behan

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I. SUMMARY OF APPLICATION

This matter is a “Wage and Hour” Class, Representative (“PAGA”) and FLSA Collective Action. Plaintiffs SHEILA LOPEZ, GEORGINA BAUTISTA, AND FE ADRIANO (“Plaintiffs”) bring claims against Defendants WILLISTON FINANCIAL GROUP, LLC, et al. (hereinafter “WILLISTON” or “Defendants”). Following detailed exchanges of information a failed mediation and months of arms length negotiations, the parties have agreed on a proposed settlement, and recently filed a Motion for Preliminary Approval. The unopposed motion was filed on November 1, 2024 and is currently scheduled to be heard on **March 14, 2025**.

As set forth below, the basis for the instant *Ex Parte* is to request an Order **Shortening Time** (“OST”) to hear the Motion for Preliminary Approval, preferably in the December or January time period. There is good cause for the request, as summarized immediately below:

1. In the experience of Plaintiff’s counsel, and as has been aggravated due to the resultant effects of the Covid-19 pandemic, “employee notification” has become much more difficult, as many individuals have moved (at least once) since the cessation of their employ;
2. As Preliminary Approval is - and will be - **unopposed** by any party (as the only two parties who know of the proposed settlement are the moving parties), there is no prejudice to any party, or individual; and
3. It also benefits Defendant to be able to confirm a "proposed" settlement will actually be upheld as "binding," as soon as possible. Plaintiffs were willing to support this request, as Plaintiffs believes the allocation to the Class, PAGA and Collective claims provides employees a significant monetary benefit now, in exchange for the proposed release of claims.

To confirm, given the unopposed nature of the motion, and the risk that “notification” to the proposed Class Members will be impacted by any delay, it is the experience of Plaintiff’s counsel that an Order Shortening Time to hear the Preliminary Approval motion, is proper. (Please see Yaeckel Dec. 9). Defendants **do not oppose** the requested relief.

Please Note: In a “best case situation,” the Court would grant Plaintiff’s request to set an

1 another *Ex Parte* (approximately two weeks out) to hear the motion. This will allow the Court
2 sufficient time to consider the unopposed request.

3 **II. CONTROLLING LAW**

4 California Rules of Court, rule 3.1202(c), regarding the necessary grounds for *ex parte*
5 applications, requires:

6 An applicant must make an affirmative factual showing in a declaration
7 containing competent testimony based on personal knowledge of
8 irreparable harm, immediate danger, or any other statutory basis for
granting relief *ex parte*.

9 Additionally, a party applying for an order shortening time must show good cause for the order.
10 (Cal. Rules of Court, rule 3.1300(b).)

11 **III. EX PARTE REQUEST**

12 **A. THERE IS GOOD CAUSE TO HEAR THE MOTION ON SHORTENED TIME**

13 Counsel submits that there is good cause for this request as there will be immediate danger and
14 irreparable harm to Class Members if the Court denies this application, as is set forth immediately
15 below.

16 To wit, on August 6, 2024, the Parties agreed to the key terms of the settlement.

17 *Ex Parte* relief is warranted as Notice to certain ex-employees may be adversely impacted by
18 further delay (*i.e.*, ex-employees may change their mailing address without filing a proper “forwarding
19 address”). Restfully, and in the experience of Plaintiff’s counsel, the Covid-19 pandemic caused a great
20 increase in employees moving, or otherwise changing their mailing addresses. (Yaeckel decl., ¶ 4.)

21 It also benefits Defendants to be able to confirm a “proposed” settlement will actually be
22 upheld as “binding,” as soon as possible. Plaintiff was willing to support this request, as Plaintiff
23 believes the allocation to class members provides them a significant monetary benefit now, in
24 exchange for the proposed release of claims. (Yaeckel decl., ¶ 5.)

25 Finally, an order shortening time should have minimal adverse impact on the Court. By nature,
26 the preliminary approval motion is unopposed. (Yaeckel decl., ¶ 6.)

27 **B. REQUEST FOR AN “ORDER SHORTENING TIME” TO HEAR THE MOTION**

28 As fully set forth in the Declaration of Eric K. Yaeckel Plaintiff respectfully requests an Order

1 Shortening Time for the following reasons.

2 In a “best case situation,” the Court would grant Plaintiff’s request to set an another *Ex Parte*
3 (approximately two weeks out) to hear the motion. This will allow the Court sufficient time to consider
4 the **unopposed** request.

5 To confirm, none of the employees at issue in this matter have been given notice of a Final
6 Approval hearing date. As such, advancing the date will have no prejudicial effect, with respect to
7 “Notice” of the Final Approval hearing.

8
9 **IV. CONCLUSION**

10 Given the above facts and law, Plaintiff respectfully requests that the Court grant Plaintiff’s
11 request, and advance the Motion for Preliminary Approval.

12
13 Dated: November 13, 2024

SULLIVAN & YAECKEL LAW GROUP, APC

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15 _____
16 Eric K. Yaeckel
17 Ryan T. Kuhn
18 Attorneys for Plaintiffs SHEILA LOPEZ, GEORGINA
19 BAUTISTA and FE ADRIANO, Individually, on behalf
20 of the Proposed FLSA Collective and Class Action
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