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5 Attorneys for Plaintiff KENNETH MURPHY, on behalf of
himself, all similarly aggrieved current and former
6 employees of Defendant, the Proposed Class
and the State of California
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF STANISLAUS

11 KENNETH MURPHY, on behalf of himself, all
12 similarly aggrieved current and former employees
of Defendant and the State of California,

13 Plaintiff,

14 v.

15 STINSON ENTERPRISES, INC., a California
16 Corporation doing business as MODESTO
TOYOTA; KAMIL ESHO, an individual;
17 and DOES 1-10,

18 Defendants.
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Case No. CV-23-002354

CLASS ACTION

**NOTICE OF MOTION AND MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Action Filed: April 28, 2023
FAC Filed: July 12, 2023

Trial Date: TBA

Date: October 3, 2024
Time: 8:30 a.m.
Dept: 23

22 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

23 PLEASE TAKE NOTICE that on October 3, 2024 at 8:30 a.m., in Department 23
24 of the above entitled court, located at 801 10th Street, 4th Floor, Modesto, California, 95354,
25 Plaintiff Kenneth Murphy ("Plaintiff") will, and hereby does, move the Court for an Order for
26 final approval of the proposed Class Action & PAGA Settlement **Agreement attached to the**
27 **Declaration of Gary R. Basham as Exhibit A** ("Settlement Agreement"), including but not
28 limited to the means of allocation and distribution of Class funds, and allocation for penalties

1 under PAGA. In particular, Plaintiff will, and hereby does, move the Court for an Order and
2 Judgment:

3 1. Granting final approval of the class action settlement described herein, and
4 as set forth in the Parties' Settlement Agreement, finding that the settlement is fair, reasonable
5 and adequate;

6 2. Certification of the proposed Class for settlement purposes only;

7 3. Granting final appointment of Plaintiff Kenneth Murphy to serve as Class
8 Representative;

9 4. Granting final appointment of Gary R. Basham at Basham Law Group as
10 class counsel;

11 5. Approving the settlement of the PAGA claim as set forth in the Parties'
12 Class Action Settlement Agreement in accordance with Labor Code section 2699(1)(2); and

13 6. Entering Judgment and permanently barring and enjoining all Class
14 Members who do not timely opt out from prosecuting against Defendant all individual and class
15 or collective claims released upon satisfaction of all payments and obligations as set forth in the
16 Settlement Agreement.

17 This Motion is made pursuant to California Rules of Court Rule 3.769, which
18 requires Court approval of the settlement of class actions, and on the grounds that the proposed
19 settlement is fair, reasonable, and adequate, and therefore should be finally approved. This
20 Motion is further made pursuant to Labor Code Section 2699(1), which requires Court approval
21 of the settlement of PAGA claims. This Motion is unopposed by Defendant.

22 This Motion is based upon this Notice, Motion, the accompanying memorandum
23 of points and authorities, the Settlement Agreement, the Declaration of proposed class counsel
24 Gary R. Basham, the Declaration of Nathalie Hernandez of Claims Administrator ILYM Group,
25 Inc., the [Proposed] Order and Judgment lodged with this Motion, all other pleadings and papers
26 filed in support of Plaintiff's Motion for Final Approval of Class Action and PAGA Settlement,

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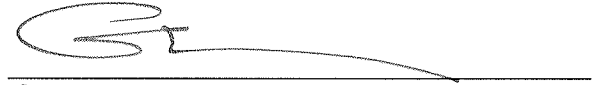
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1 all other pleadings and other records on file with the Court for this matter, and any such evidence
2 and argument as may be permitted by the Court at the hearing on this Motion.

3 Date: September 9, 2024

BASHAM LAW GROUP

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5 By:


GARY R. BASHAM

6 Attorneys for Plaintiff KENNETH MURPHY
7 and the Proposed Class
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I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 8801 Folsom Blvd., Suite 280, Sacramento, CA 95826.

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

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Laura A. Wolfe (Laura.Wolfe@mccormickbarstow.com)
McCormick Barstow LLP
7647 North Fresno Street
Fresno, CA 93720

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 9, 2024 at Sacramento, California.

Gary R. Basham