

1 **ADVOCATES FOR WORKER RIGHTS LLP**

MARCO A. PALAU (Bar No. 242340)

2 marco@advocatesforworkers.com

JOSEPH D. SUTTON (Bar No. 269951)

3 jds@advocatesforworkers.com

ERIC S. TRABUCCO (Bar No. 295473)

4 est@advocatesforworkers.com

212 9th Street, Suite 314

5 Oakland, California 94607

Tel: (510) 269-4200

6 Fax: (408) 657-4684

7 Jessica Juarez (SBN 269600)

8 Attorneys for Plaintiff Francisco Diosdado-Miranda

9 **BLUMENTHAL NORDREHAUG BHOWMIK**

10 **DE BLOUW LLP**

Norman B. Blumenthal (SBN 068687)

11 Kyle R. Nordrehaug (SBN 205975)

Aparajit Bhowmik (SBN 248066)

12 2255 Calle Clara

La Jolla, CA 92037

13 Telephone: (858) 551-1223

Facsimile: (858) 551-1232

14 Email: Kyle@bamlawca.com

15 Attorneys for Plaintiff Zachary Del Rio

16 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

17 **IN AND FOR THE COUNTY OF SONOMA**

18
19 ZACHARY DEL RIO, an individual, on behalf
20 of himself, the State of California, aggrieved
employees, and all others similarly situated,

21 Plaintiffs,

22 v.

23 EBIT GOLF, INC., a California corporation;
24 COURSECO, INC., a California corporation;
and DOES 1-20, inclusive,

25 Defendants.

Case No. 23CV01037

**NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION &
PAGA SETTLEMENT**

Date:

Time:

Dept: 17

Before the Honorable Jane Gaskell

1 **PLEASE TAKE NOTICE** that on _____ at 3:00 p.m. in Department
2 17 of this Honorable Court, located at 3035 Cleveland Ave., #200, Santa Rosa, CA 95403,
3 Plaintiffs Zachary Del Rio and Francisco Diosdado-Miranda (“Plaintiffs”) will move for
4 preliminary approval of a class action and PAGA settlement pursuant to California Rule of Court
5 3.769(c), and for an Order:

- 6 1. granting conditional class certification of the below-defined Class for settlement
7 purposes only pursuant to Code of Civil Procedure § 382;
- 8 2. preliminarily approving the Joint Stipulation for Class Action and PAGA
9 Settlement (hereinafter the “Settlement”);
- 10 3. appointing
 - 11 a. Marco A. Palau, Joseph D. Sutton, and Eric S. Trabucco of Advocates for
12 Worker Rights LLP, and Jessica Juarez; and
 - 13 b. Norman B. Blumenthal, Kyle R. Nordrehaug, Aparajit Bhowmik, Nicholas
14 J. De Blouw, and Piya Mukherjee of Blumenthal Nordrehaug Bhowmik De
15 Blouw LLP.
- 16 as Class Counsel;
- 17 4. appointing Plaintiffs Zachary Del Rio and Francisco Diosdado-Miranda as Class
18 Representatives;
- 19 5. approving the proposed Class Notice packet and approving Phoenix Class Action
20 Administration Solutions as the Settlement Administrator;
- 21 6. directing that Class Notice packet be mailed to the Class; and
- 22 7. scheduling a hearing date for a final approval hearing.

23 The Class is defined as the named Plaintiffs, Francisco Diosdado-Miranda, Zachary Del
24 Rio, and all persons employed by Defendants as non-exempt employees from July 13, 2017 to
25 September 13, 2024 (the “Class Period”).

26 This Motion is made on the following grounds: (1) the Class meets all the requirements
27 for class certification for settlement purposes pursuant to Code of Civil Procedure § 382;
28 (2) Plaintiffs and their counsel are adequate to represent the Class; (3) the Settlement is a fair,

adequate, and reasonable compromise of the disputed wage and hour claims in this case; (4) the proposed notice procedure fully comports with all due process requirements; and (5) in view of the foregoing, the Settlement should be preliminarily approved, notice should be disseminated to Class Members, a final approval hearing should be scheduled, and the [Proposed] Order Granting Preliminary Approval of Class Action/PAGA Settlement should be entered.

This Motion is based on this Notice of Motion and Motion, the following Memorandum of Points and Authorities, the Declarations of Eric S. Trabucco and Kyle Nordrehaug in support thereof, all exhibits thereto, all papers and pleadings on file with the Court in this action, all matters judicially noticeable, and on such oral and documentary evidence as may be presented in connection with the hearing on the Motion.

Respectfully submitted,

Dated: February 6, 2025

ADVOCATES FOR WORKER RIGHTS LLP

/s/ Eric S. Trabucco

Marco A. Palau
Joseph D. Sutton
Eric S. Trabucco
Attorneys for Plaintiff Miranda

Dated: February 6, 2025

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

/s/ Kyle R. Nordrehaug

Kyle R. Nordrehaug
Attorneys for Plaintiff Del Rio