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7 Attorneys for Plaintiff(s),

8 KEVIN LYNUM, and all others similarly situated

9 (Additional attorneys for Plaintiff(s) on following page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF MARIPOSA**

12 **(UNLIMITED JURISDICTION)**

13 KEVIN LYNUM, on behalf of himself and all
14 others similarly situated, and as an “aggrieved
15 employee” on behalf of other “aggrieved
16 employees” under the Labor Code Private
Attorneys General Act of 2004,

17 *Plaintiff(s),*

18 vs.

19 PROSPECT HOTEL SERVICES, LLC, a
20 Delaware limited liability company; PROSPECT
21 HOTEL MANAGEMENT LLC, a Delaware
22 limited liability company; and DOES 1–50,
inclusive,

23 *Defendant(s).*

Case No. 23-CVCV-0012034

**PLAINTIFF KEVIN LYNUM’S
NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: January 6, 2025

Hearing Time: 1:30 p.m.

Hearing Dept.: Dept. 03, Anita Bryant

Action filed: September 25, 2023

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; and
3. [Proposed] Order



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KEVIN LYNUM, and all others similarly situated



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

2 PLEASE TAKE NOTICE that on January 6, 2025 at 1:30 p.m., or as soon thereafter as
3 the matter may be heard, in Department Dept. 3 of the Mariposa County Superior Court, located
4 at 5088 Bullion Street, Mariposa, CA 95338, Plaintiff Kevin Lynam (“Plaintiff”) will and hereby
5 does move this Court for an order: (1) granting class certification of the Settlement Class solely
6 for settlement purposes pursuant to California Code of Civil Procedure section 382; (2)
7 preliminarily approving the Class Action and PAGA Settlement Agreement and Class Notice (the
8 “Settlement”)¹ between Plaintiff and Defendants PROSPECT HOTEL SERVICES, LLC and
9 PROSPECT HOTEL MANAGEMENT, LLC (collectively “Defendants”) (Plaintiff and
10 Defendants are collectively the “Parties), (3) appointing David Spivak of The Spivak Law Firm
11 and Walter L. Haines of United Employees Law Group as Class Counsel; (5) appointing Plaintiff
12 as Class Representative; (6) approving the use of the proposed notice procedures and related
13 forms; (7) directing that notice be mailed to the proposed Settlement Class; and (8) scheduling a
14 hearing date for motion for final approval of class action settlement and awards of attorneys’ fees
15 and costs.

16 The “Class” or “Class Members” consists of all persons currently or formerly employed
17 by Defendants in California and classified as hourly, non-exempt employees who worked for
18 Defendants at any time during the Class Period. “Class Period” means the period from September
19 25, 2019 through the date of preliminary approval of this Settlement. Settlement §§ 1.5 and 1.12.

20 This Motion is made on the following grounds: (1) the Settlement Class meets all the
21 requirements for class certification for settlement purposes only under California Code of Civil
22 Procedure section 382; (2) Plaintiff and his counsel are adequate to represent the Settlement Class;
23 (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed claims in
24 view of Defendants’ potential liability exposure as compared against the risks of continued
25 litigation; (4) the proposed notice procedures and related forms adequately apprise the Class
26 Members of their rights under the Settlement and fully comport with due process; and (5) in view

27 _____
28 ¹ The Settlement is attached as [Exhibit 1](#) to the Declaration of David Spivak (“DS”), which is
submitted herewith under a separate cover.



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1 of the foregoing, notice should be disseminated to the Class Members and a hearing date for
2 motion for final approval of class action settlement, and awards of attorneys' fees and costs should
3 be set.

4 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
5 Points and Authorities, the Declaration of David Spivak, the Declaration of Walter L. Haines, all
6 papers and pleadings on file with the Court in this action, all matters judicially noticeable, and on
7 such oral and documentary evidence as may be presented in connection with the hearing on the
8 Motion.

9 Respectfully submitted,

10 THE SPIVAK LAW FIRM

11
12 Dated: November 22, 2024

13 By:



14 DAVID G. SPIVAK, Attorneys for
15 Plaintiff(s), KEVIN LYNUM, and all
16 others similarly situated
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