

RICHARD LAW, P.C.

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Attorneys for PLAINTIFF MARIE SAVERY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF VENTURA – HALL OF JUSTICE

MARIE SAVERY, Individually and on Behalf
of Other Members of the Public and those
Similarly Situated,

Plaintiff,

v.

ATX LEARNING, LLC.,
AUSTIN TEXAS LEARNING GROUP, LLC.,
SYED KHALIL, an individual, and
DOES 1-10, Inclusive,

Defendants.

CASE NO: 2023CUOE013956

*Assigned for all purposes to Hon. Matthew P.
Guasco*

CLASS ACTION/PAGA ACTION

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

Hearing:

Date: June 21, 2024

Time: 8:30 a.m.

Location: Dept.: 20

Action Filed: September 13, 2023

FAC Filed: November 21, 2023

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

2 PLEASE TAKE NOTICE THAT on **June 21, 2024 at 8:30 a.m.** or as soon thereafter as the matter
3 can be heard before the Honorable Matthew P. Guasco, in Department 20 of the Ventura County Superior
4 Court, located at The Hall of Justice, 800 S. Victoria Avenue, Ventura, CA, 93009, plaintiff Marie Savery
5 (“Plaintiff”) will, and hereby does, move the Court to grant preliminary approval of the parties’ proposed
6 class action settlement and approval of the parties’ PAGA settlement. **This Motion is unopposed by**
7 **Defendants.** Specifically, Plaintiff requests that the Court issue an order:

- 8 (i) granting Plaintiff leave to file the Second Amended Complaint attached as Exhibit 3 to the
9 Declaration of Diane E. Richard;
- 10 (ii) granting preliminary approval of the proposed class settlement and granting approval of
11 the PAGA settlement codified in the Class and PAGA Action Settlement Agreement and
12 Release (“Settlement Agreement” or “Settlement”);
- 13 (iii) conditionally granting class certification of the Class, solely for settlement purposes,
14 pursuant to California Code of Civil Procedure §382;
- 15 (iv) appointing Diane E. Richard of Richard Law, P.C. as Settlement Class Counsel for the
16 proposed Class;
- 17 (v) appointing Plaintiff Marie Savery as the Class Representative of the proposed Class;
- 18 (vi) approving ILYM Group, Inc. as the Settlement Administrator;
- 19 (vii) approving the use of the proposed notice procedures and authorizing the form, content and
20 distribution of the proposed Notice Packet, and
- 21 (viii) scheduling a "fairness hearing" for final approval of the Settlement.

22 The “Class” means, for purposes of settlement only, all current and former employees of Ausin Texas
23 Learning Group, LLC (also known as ATX Learning, LLC or ATX Learning) (“ATX”) who worked in
24 California for ATX at any time during the Class Settlement Period of September 13, 2019 through April
25 15, 2024.

26 Plaintiff makes this Motion on the following grounds: (i) the PAGA settlement should be approved
27 under California Labor Code §2699(l)(2); (ii) the Class meets all the requirements for class certification
28 for settlement purposes only under California Code of Civil Procedure §382; (iii) Plaintiff and her counsel

1 are adequate to represent the Class; (iv) the Settlement reflects a fair, adequate, and reasonable
2 compromise of disputed claims and is well within the range of possible final approval in view of
3 Defendants' potential liability and financial exposure as compared against the risk of continued litigation;
4 (v) the proposed notice procedures and notice form adequately apprise the member of the Class of their
5 rights under the Settlement including their right to participate in, opt-out of, or object to the Class
6 Settlement, and fully comport with due process; and (vi) in light of the foregoing, the Notice Packet should
7 be disseminated to members of the Class and a hearing date for motion for final approval of the Class
8 Settlement should be set.

9 This motion is based upon this Notice of Motion and Motion, the accompanying Memorandum of
10 Points and Authorities and declarations in support of the motion, and attached exhibits, such evidence and
11 argument of counsel as may be presented at the hearing, the complete files and records in the above-
12 captioned matter, and such additional matters as the Court may consider.

13 Respectfully submitted,

14 RICHARD LAW, P.C.

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16 May 29, 2024

17 By: Diane Richard
18 DIANE E. RICHARD
19 Attorney for Plaintiff
20 Marie Savery
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PROOF OF SERVICE

***Marie Savery v ATX Learning, LLC. et al* (Case No.: 2023CUOE013956)**

1. At the time of service, I was a United States citizen, a resident of the County of San Diego, over 18 years of age, and not a party to or interest in this action.

2. My business address is 5060 N. Harbor Drive, Suite 265, San Diego, CA 92106.

3. On **May 29, 2024**, I served the following document(s), including all exhibits thereto:

- **NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND APPROVAL OF PAGA SETTLEMENT**

4. I served the document(s) on the following:

GREENBERG TRAURIG, LLP

Ryan C. Bykerk

1840 Century Park East, Suite 1900

Los Angeles, California 90067-2121

Telephone: (310) 586-7700; Facsimile: (310) 586-7800

Electronic Service Addresses: bykerkr@gtlaw.com

5. The document(s) were served by the following means:

- ☒ **BY ELECTRONIC SERVICE** –Based on a court order, court rule, or an agreement of the parties to accept electronic service, I caused such document(s) to be delivered to the person(s) at the electronic service address set forth above. Said document(s) was/were served electronically and the transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **May 29, 2024**, at San Diego, California.

Diane Richard

Name

/s/ Diane Richard

Signature