

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.,
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
UNOPPOSED MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, APPROVAL OF PAGA
SETTLEMENT, AND APPROVAL OF CLASS
REPRESENTATIVE SERVICE
ENHANCEMENT PAYMENT, SETTLEMENT
ADMINISTRATION EXPENSES, AND
ATTORNEYS' FEES AND COSTS**

Hearing:

Date: October 29, 2024

Time: 8:20 a.m.

Location: Dept.: 20

Action Filed: September 13, 2023

SAC Filed: June 21, 2024

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

2 PLEASE TAKE NOTICE THAT on **October 29, 2024 at 8:20 a.m.** or as soon thereafter as the
3 matter can be heard before the Honorable Matthew P. Guasco, in Department 20 of the Ventura County
4 Superior Court, located at The Hall of Justice, 800 S. Victoria Avenue, Ventura, CA, 93009, plaintiff
5 Marie Savery (“Plaintiff”) will, and hereby does, move the Court to: grant final approval of the proposed
6 class action settlement, and approval of the PAGA Settlement, settlement administration expenses to the
7 Settlement Administrator, Service Enhancement Payment to the Class Representative, and an award of
8 attorneys’ fees and costs to Settlement Class Counsel. **All Class Members have been given the**
9 **opportunity to participate in, opt-out of, or object to the Settlement. There have been no objections**
10 **to the Settlement and there is only one (1) opt-out to the Class Settlement. This Motion is unopposed**
11 **by Defendants.** Specifically, Plaintiff requests that the Court issue a final order:

- 12 (i) granting final approval of the class action settlement and approval of the PAGA settlement
- 13 codified in the Class and PAGA Action Settlement Agreement and Release (“Settlement
- 14 Agreement” or “Settlement”)¹;
- 15 (ii) granting final certification of the Class pursuant to California Code of Civil Procedure
- 16 §382, and solely for settlement purposes;
- 17 (iii) approving the funding and distribution of monies in accordance with the Settlement terms;
- 18 (iv) finally appointing Diane E. Richard of Richard Law, P.C. as Settlement Class Counsel for
- 19 the proposed Class;
- 20 (v) finally appointing Plaintiff Marie Savery as the Class Representative of the proposed Class;
- 21 (vi) confirming approval of the PAGA Penalty Amount, including the LWDA Payment for the
- 22 LWDA’s share of PAGA Penalties in the amount of \$3,750.00;
- 23 (vii) finally approving the payment to the Administrator in the amount of \$6,950.00;
- 24 (viii) finally approving the Class Representative Service Enhancement Payment in the amount
- 25 of \$10,000.00 to Marie Savery;

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27 ¹ All capitalized terms not otherwise defined shall have the same definitions as set forth in the Class and
28 PAGA Action Settlement Agreement and Release attached as Ex. 1 to the Declaration of Diane E. Richard
in support of this Motion.

(ix) finally approving a total award of attorneys' fees and costs in the amounts of \$152,000.00 and \$10,613.90 respectively to Settlement Class Counsel; and

(x) entering a final judgment consistent with the Settlement and this Motion.

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

Plaintiff makes this Motion on the following grounds: (i) the Class meets all the requirements for class certification for settlement purposes only under California Code of Civil Procedure §382; (ii) Plaintiff and her counsel are adequate to represent the Class; and (iii) the Settlement and all proposed distributions including for settlement awards, administration expenses, service payment, attorneys' fees and costs, in all regards, reflects a fair, adequate, and reasonable settlement and compromise of disputed claims and is well within the range of possible final approval in view of the liability exposure as compared against the risk of continued litigation.

This motion is based upon this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the Declaration of Settlement Class Counsel Diane E. Richard²; the Declaration of Class Representative Marie Savery; the Declaration of the Settlement Administrator (Cassandra Polites of ILYM Group); the [Proposed] Order of Final Approval of Class Action Settlement and Approval of PAGA Action Settlement and Final Judgment, and the attached exhibits; such evidence and argument of counsel as may be presented at the hearing, the complete files and records in the action, and such additional matters as the Court may consider.

Respectfully submitted,

RICHARD LAW, P.C.

October 7, 2024

By: Diane Richard
DIANE E. RICHARD
Attorney for Plaintiff
Marie Savery

² Among the exhibits attached to the Declaration of Diane E. Richard are the Settlement Agreement, and the Declaration of Rahil Irshad in Support of Motion for Preliminary Approval of Class Action Settlement and Approval of PAGA Settlement, both of which were submitted to the Court in conjunction with Plaintiff's preliminary approval.

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 **October 7, 2024**, I served the following document(s), including all exhibits thereto:

- **NOTICE OF MOTION AND PLAINTIFF'S UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT, APPROVAL OF PAGA SETTLEMENT, AND APPROVAL OF CLASS REPRESENTATIVE SERVICE ENHANCEMENT PAYMENT, SETTLEMENT ADMINISTRATION EXPENSES, AND ATTORNEYS' FEES AND COSTS**

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 **October 7, 2024**, at San Diego, California.

Diane Richard

Name

/s/ Diane Richard

Signature