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Attorneys for PLAINTIFF

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

SHANE ABBOTT, individually, and on behalf
of other members of the general public similarly
situated;

Plaintiff,

vs.

SAUNDERS CONSTRUCTION, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No. 24CV428659

[Complaint Filed: January 5, 2024]

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

Hearing Date:

Hearing Time:

Dept.: 7

Judge: Hon. Charles F. Adams

1 **TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 YOU ARE HEREBY NOTIFIED THAT in Department 7 of the above entitled Court, before
3 the Honorable Charles F. Adams, Plaintiff SHANE ABBOTT (“Plaintiff”) will apply for an order
4 (1) preliminary approving the proposed settlement of this Class and PAGA action against Defendant
5 SAUNDERS CONSTRUCTION, INC. (“Defendant”); (2) approving the form and method for
6 providing class-wide notice; (3) directing that notice of the proposed settlement be given to the
7 class; and (4) scheduling a final approving hearing date to consider Plaintiff’s motion for final
8 approval of the settlement and entry of the Judgment, and Plaintiff’s motion for approval of
9 attorneys’ fees and litigation expenses.

10 This motion for preliminary approval of the class and PAGA settlement is brought pursuant
11 to California Rules of Court, rule 3.769. Plaintiff’s motion will be based on this notice of motion,
12 the accompanying points and authorities, the Declaration of Jean-Claude Lapuyade, Esq., the
13 Declaration of Shani O. Zakay, Esq., the Declaration of Melissa LeBlanc-Mansell, Esq., the
14 Declaration of Shane Abbott, the Declaration of Sean Hartranft of Apex, the Joint Stipulation and
15 Agreement for Class and Representative Action Settlement and Release (“Agreement”) between
16 the parties, and the complete files and records in this action. All parties have agreed to the proposed
17 class and PAGA settlement and have met and conferred regarding the motion; therefore, this motion
18 is not opposed by Defendant.

19 Respectfully submitted,

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21 DATED: April 14, 2025

ZAKAY LAW GROUP, APLC

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23 By: _____

Jennifer Gerstenzang, Esq.

24 Attorney for Plaintiff
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