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Attorneys for Plaintiff ERIC KINGERY
on behalf of himself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

ERIC KINGERY individually and on behalf
of all others similarly situated,

Plaintiff,

v.

ACERA HEALTH, LLC; a Delaware Limited
Liability Company; and DOES 1 through 20,
INCLUSIVE.

Defendants.

Case No.: 30-2024-01402619-CU-OECXC

CLASS & PAGA ACTION

[Assigned For All Purposes To:
Hon. Layne H. Melzer]

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT AND
REQUEST FOR ATTORNEYS' FEES
AND COSTS**

Date: October 22, 2026
Time: 2:00 p.m.
Dept: CX102

Complaint filed: May 28, 2024
Trial date: Not set

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 22, 2026, at 2:00 p.m., or as soon thereafter as
the matter may be heard in Department CX102 of the above-entitled Court, located at the Civil
Complex Center, 751 W. Santa Ana Blvd., Santa Ana, California 92701, Plaintiff Eric Kingery will

1 and hereby does move the Court for an order granting final approval of the Class Action and PAGA
2 Settlement. Plaintiff will move the Court for an order:

- 3 1. Granting final approval of the Class Action and PAGA Settlement as fair,
4 reasonable, adequate, and in the best interests of the Settlement Class and Aggrieved Employees;
- 5 2. Confirming final certification of the Settlement Class for settlement purposes only;
- 6 3. Confirming appointment of Plaintiff Eric Kingery as Class Representative;
- 7 4. Confirming appointment of James Hawkins APLC, including James R. Hawkins,
8 Christina M. Lucio, Mitchell J. Murray, and Samantha A. Jones, as Class Counsel;
- 9 5. Confirming appointment of Apex Class Action LLC as Settlement Administrator;
- 10 6. Approving the PAGA settlement and allocation of PAGA Penalties;
- 11 7. Approving allocations from the Gross Settlement Amount as follows:
 - 12 a. A payment of attorneys' fees to Class Counsel in the amount of \$47,328.60;
 - 13 b. Reimbursement of litigation costs to Class Counsel in the amount of \$23,939.63;
 - 14 c. Settlement administration costs to Apex Class Action LLC in the amount of
15 \$5,500.00;
 - 16 d. A Class Representative Service Payment to Plaintiff Eric Kingery in the amount
17 of \$2,500.00;
- 18 8. Directing distribution of the Net Settlement Amount and Individual PAGA
19 Payments in accordance with the Settlement Agreement;
- 20 9. Entering judgment consistent with the Settlement Agreement; and
- 21 10. Setting a Final Accounting Hearing for June 24, 2027, or another date convenient
22 for the Court.

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25 This Motion is made pursuant to California Rules of Court, rules 3.769 and 3.771, Code of
26 Civil Procedure section 382, Labor Code section 2699, and all other applicable authority. This

1 Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points
2 and Authorities, the Declaration of James R. Hawkins, the Declaration of Eric Kingery, the
3 Declaration of Beth Paris on behalf of Apex Class Action LLC, the Settlement Agreement and
4 exhibits thereto, the Court's Order Granting Preliminary Approval, the pleadings and records on
5 file in this action, and any further evidence or argument the Court may receive before or at the
6 hearing.
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8 Dated: September 9, 2026

JAMES HAWKINS APLC

9
10 By:  _____

11 James R. Hawkins
12 Christina M. Lucio

13 Attorneys for Plaintiff Eric Kingery
14 on behalf of himself and all others similarly
15 situated
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