

From: Norma Dale

Fax: (510) 817-2665

To:

Fax: (510) 267-5739

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1 JOSEPH CLAPP, Esq., SBN 99194
2 AIMAN-SMITH & MARCY
3 7767 Oakport Street, Suite 1150
4 Oakland, California 94621
5 Telephone: 510/590-7115
6 Facsimile: 510/562-6830
7 Email: jc@asmlawyers.com

8 Attorneys for Plaintiff

FILED BY FAX
ALAMEDA COUNTY

May 30, 2018

CLERK OF
THE SUPERIOR COURT
By Alicia Espinoza, Deputy

CASE NUMBER:

RG16811677

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF ALAMEDA

11 WAYNE MAULDIN, an individual, on behalf of
12 himself and all others similarly situated,

13 Plaintiff,

14 vs.

15 ROLLING FRITO-LAY SALES, LP, a Delaware
16 Limited Partnership; FRITO-LAY, INC., a
17 Delaware Corporation; and DOES 1 through 25,

18 Defendants.

) Case No.: RG16811677

) CLASS ACTION

) Plaintiff's Motion for and Notice of Hearing on
19 Motion for an Order

) (1) Conditionally Certifying a
20 Settlement Class;

) (2) Appointing Class Representative,
21 Class Counsel, and Claims
22 Administrator;

) (3) Preliminarily Approving Settlement;

) (4) Authorizing Class Notice; and

) (5) Scheduling a Final Approval Hearing.

) Date: June 1, 2018

) Time: 10:00 a.m.

) Courtroom: 21

) Judge: Hon. Robert McGuiness

) Complaint Filed: April 14, 2016

) Reservation Number: R-1949680

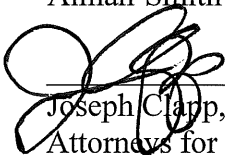
1 TO EACH PARTY AND ATTORNEY OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiff Wayne Mauldin hereby moves the Court for an order
3 (1) conditionally certifying a settlement class; (2) appointing Plaintiff Mauldin as class
4 representative, Joseph Clapp, Esq., of Aiman-Smith & Marcy as class counsel, and Rust Consulting
5 as claims administrator, (3) preliminarily approving the class settlement; (4) authorizing class notice;
6 and (5) scheduling a final approval hearing. This motion is made pursuant to C.C.P. Section 382, and
7 C.R.C. 3.764 and 3.769, on the ground the questions presented are of common or general interest, of
8 many persons, and the class is numerous, so that it is impracticable to bring them all before the court,
9 so that one or more should sue for the benefit of all. The hearing on this motion will be held on June
10 1, 2018 at 10:00 a.m. in Department 21 of the above-captioned court. The motion is based on the
11 accompanying supporting memorandum, the accompanying supporting declaration of Joseph Clapp,
12 and the accompanying supporting memorandum of Wayne Mauldin.
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14

15 Respectfully submitted,

16 Date: May 25, 2018

Aiman-Smith & Marcy

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18 Joseph Clapp, Esq.
19 Attorneys for Plaintiff
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1 **PROOF OF SERVICE**

2 I, the undersigned, hereby declare: I am employed in the County of Alameda, California; I am
3 over eighteen years of age and not a party to the within action. I am either admitted to practice before
4 this Court or employed in the Office of an attorney admitted to practice in this Court. My business
5 address is 7677 Oakport St., Suite 1150, Oakland, California 94621.

6 On this date, I served the following:

7 **Plaintiff's Motion for and Notice of Hearing on Motion for an Order**

8 **(1) Conditionally Certifying a
9 Settlement Class;**

10 **(2) Appointing Class Representative,
11 Class Counsel, and Claims Administrator;**

12 **(3) Preliminarily Approving Settlement;**

13 **(4) Authorizing Class Notice; and**

14 **(5) Scheduling a Final Approval Hearing.**

15 by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

16 Samantha D. Hardy, Esq.
17 Tara M. Duester, Esq.
18 Sheppard Mullin Richter & Hampton LLP
19 501 West Broadway, 19th Floor
20 San Diego, California 92101-3598

21 Attorneys for Defendants ROLLING FRITO-
22 LAY SALES, LP and FRITO-LAY, INC.

23 X [By Mail] I caused such envelope, with postage fully prepaid, to be placed in the United
24 States mail at Oakland, California.

25 [By Overnight Delivery, UPS Next Day Air, C.C.P. § 1013(c)] UPS is a provider of
26 overnight delivery services. I placed the above described document(s) in an envelope or
27 package designated for use by UPS and delivered said designated envelope to an authorized
28 Office or drop box of UPS at Oakland, California, with delivery fees for overnight delivery
fully prepaid, and addressed to the addressee(s) above.

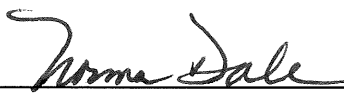
[By Facsimile Transmission, C.C.P. § 1013(e),(f)] I caused such document to be transmitted
by facsimile transmission to a facsimile machine maintained by the person(s) listed in the
attached service list and at the fax numbers on that list which are the facsimile numbers last
given by the addressee(s) on documents filed in this cause. I received electronic confirmation
that said transmission had occurred.

[By Personal Service] I caused such envelope to be delivered by hand to the above address.

[By E-Mail] I caused such document to be delivered by electronic transmission/e-mail to the
above addressee.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct.

Dated: May 25, 2018


Norma Dale