

1 **BLUMENTHAL NORDREHAUG BHOWMIK**
2 **DE BLOUW LLP**

3 Norman B. Blumenthal (State Bar #068687)

4 Kyle R. Nordrehaug (State Bar #205975)

5 Aparajit Bhowmik (State Bar #248066)

6 2255 Calle Clara

7 La Jolla, CA 92037

8 Telephone: (858)551-1223

9 Facsimile: (858) 551-1232

10 Firmsite: www.bamlawca.com

11 Attorneys for Plaintiff

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

ROXANNE POND, an individual, on behalf
of herself and on behalf of all persons
similarly situated, and on behalf of the State
of California as a private attorney general,

Plaintiffs,

vs.

GLEN IVY HOT SPRINGS, a California
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

CASE No. **CVRI2104986**
[Consolidated with CVRI2105059]

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

Hearing Date: May 9, 2023
Hearing Time: 8:30 a.m.
Reservation ID: 458035564309

Judge: Hon. Harold W. Hopp
Dept: 10

Action Filed: November 1, 2021
Trial Date: Not Set

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

2 YOU ARE HEREBY NOTIFIED THAT at 8:30 a.m. on May 9, 2023, or as soon thereafter
3 as the matter can be heard, in Department 10 at the above entitled Court before the Honorable
4 Harold W. Hopp, Plaintiff Roxanne Pond (“Plaintiff”) will apply for an order: (1) preliminarily
5 approving the proposed settlement of this class action with Defendant Glen Ivy Hot Springs, Inc.
6 (“Defendant”); (2) for settlement purposes only, conditionally certifying the following Class: “all
7 individuals who are or previously were employed by Defendant in California and classified as a
8 non-exempt employee at any time during the Class Period”, which is November 1, 2017 through
9 January 1, 2023; (3) provisionally appointing Plaintiff as the representative of the Class; (4)
10 provisionally appointing Norman B. Blumenthal, Kyle Nordrehaug, and Aparajit Bhowmik of
11 Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel for the Class; (5) approving the
12 form and method for providing class-wide notice; (6) directing that notice of the proposed
13 settlement be given to the class; (7) appointing ILYM Group as Settlement Administrator, and
14 (8) scheduling a final approval hearing date to consider Plaintiff’s motion for final approval of the
15 settlement and entry of the Judgment, and Plaintiff’s motion for approval of attorneys' fees and
16 litigation expenses.

17 This motion for preliminary approval of the class settlement is brought pursuant to
18 California Rules of Court, rule 3.769. Plaintiff’s motion will be based on this notice of motion and
19 motion, the accompanying points and authorities, the Declaration of Kyle Nordrehaug, the Class
20 Action and PAGA Settlement Agreement (“Agreement”) between the parties, and the complete files
21 and records in this action. This Agreement corrects issues identified by the Court in the prior
22 motion. Because all Parties have agreed to the proposed class settlement, this motion is not
23 opposed by Defendant.

24 Respectfully submitted,

25 Dated: April 12, 2023

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

26 By: /s/ Kyle Nordrehaug
27 Norman B. Blumenthal, Esq.
28 Kyle R. Nordrehaug, Esq.
Attorney for Plaintiff