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8 **Attorneys for Plaintiff ANGELA FLORES, individually and on behalf of other similarly**
 9 **situated current and former employees**

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 **ANGELA FLORES, individually and on behalf**
 13 **of other similarly situated current and former**
 14 **employees,**

15 **Plaintiff,**

16 **v.**

17 **DART CONTAINER CORPORATION, a**
 18 **Nevada corporation; DART CONTAINER**
 19 **CORPORATION OF CALIFORNIA, a**
Michigan corporation; and DOES 1-100,
 20 **inclusive,**

21 **Defendants.**

Case No.: 2:19-cv-00083-WBS-JDP

NOTICE OF MOTION AND
PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Date: January 11, 2021
 Time: 1:30 p.m.
 Dept.: Courtroom 5, 14th Floor
 Judge: Senior United States District Judge
 William B. Shubb

22 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

23 PLEASE TAKE NOTICE that, on January 11, 2021 at 1:30 p.m., or as soon thereafter as
 24 counsel may be heard, Plaintiff Angela Flores (“Flores” or “Plaintiff”), will bring on for hearing
 25 before the Honorable Senior United States District Court Judge William B. Shubb, in Courtroom 5,
 26 14th Floor, Robert T. Matsui United States Courthouse, 501 I Street, Sacramento, California, 95814
 27 this unopposed Motion for Preliminary Approval of Class and Action Settlement (the “Motion”). The
 28

1 Motion is brought pursuant to Federal Rules of Civil Procedure Rule 23, subdivision (e) and
2 respectfully requests the Court grant:

- 3 1. Preliminary and conditional certification of the Classes described in the Joint
4 Stipulation Regarding Class Action and PAGA Settlement and Release (“Settlement”);
5 namely the Non-Exempt Wage Statement Class, the Sick Pay Class, and the Former
6 Employee Sub-class;
- 7 2. Preliminary approval of Angela Flores as Class Representative;
- 8 3. Preliminary approval of Mayall Hurley P.C., by and through Lead Counsel Jenny D.
9 Baysinger and Robert J. Wasserman, as Class Counsel;
- 10 4. Preliminary approval of the Settlement, and specifically the Maximum Settlement
11 Amount (“MSA”) of \$411,000 (\$396,000 allocated to the resolution of Non-PAGA
12 Class Claims), finding it to be fair, reasonable, adequate, and in the collective best
13 interest of each respective Class;
- 14 5. Approval as to the form and content of the proposed Notice of Pendency of Class
15 Action, Preliminary Approval of Settlement, and Hearing for Final Approval (“Class
16 Notice”), a copy of which is attached as Exhibit 1 to the Settlement Agreement;
- 17 6. Approval as to the method of notice described in the Settlement;
- 18 7. Authorization for dissemination of the Class Notice pursuant to the terms of the
19 Settlement;
- 20 8. An order appointing and approving Phoenix Class Action Administration Solutions as
21 Claims Administrator, and for preliminary approval of the costs of administration of the
22 MSA for an amount, as declared, not to exceed \$8,850;
- 23 9. Preliminary approval of the proposed allocation of \$15,000 to resolve PAGA Claims,
24 finding it to serve the deterrent and punitive purposes of the PAGA;
- 25 10. Preliminary approval of a Service Award to Flores in the amount of \$2,500 in
26 consideration for her service as Class Representatives;
- 27 11. Preliminary approval of attorneys’ fees in an amount not to exceed one-third of the
28 MSA, or \$137,000, and declared costs of up to \$7,500.00;

1 12. An Order of Preliminary Approval containing a schedule for the implementation of the
2 terms of the Settlement, including deadlines for mailing the Class Notice, the filing of
3 opt-outs or objections, and filing papers in connection with the Final Approval Hearing;
4 and

5 13. An order setting the Final Approval Hearing for the Court to consider final approval of
6 the Settlement and its terms, as well as an award of attorneys' fees and costs for Class
7 Counsel, and the Service Payment for Plaintiff.

8 This Motion is based on the Notice of Motion; the Memorandum of Points and Authorities; the
9 accompanying Declaration of Jenny D. Baysinger, with exhibits (including the Settlement
10 Agreement), Declaration of Robert J. Wasserman, and Declaration of Angela Flores; the pleadings,
11 orders, and other papers on file in this matter; and any further evidence and arguments as may be
12 presented at the hearing of this matter.

13 **DATED:** November 16, 2020

MAYALL HURLEY P.C.

14 By /s/ Jenny D. Baysinger
15 JENNY D. BAYSINGER
16 ROBERT J. WASSERMAN
17 Attorneys for Plaintiff, ANGELA FLORES,
 individually and on behalf of others similarly
 situated current and former employees