

Courtesy Copy

1 SAMUEL T. REES (State Bar No. 58099)

2 THOMAS P. BLEAU (State Bar No. 152945)

3 MARTIN R. FOX (State Bar No. 155889)

4 BLEAU FOX

5 A Professional Law Corporation

6 3575 Cahuenga Boulevard West, Suite 580

7 Los Angeles, CA 90068

8 Telephone: (323) 874-8613

RECEIVED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CIVIL COMPLEX LITIGATION CENTER

FEB 10 2020

RECEIVED

9 SHANNON LISS-RIORDAN (State Bar No. 310719)

10 LICHTEN & LISS-RIORDAN, P.C.

11 729 Boylston Street, Suite 2000

12 Boston, MA 02116

13 Telephone: (617) 994-5800

14 Facsimile: (617) 994-5801

15 sliss@llrlaw.com

FEB 10 2020

MARIA EA

16 Attorneys for Plaintiff
17 and the Plaintiff Class

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 COUNTY OF ORANGE

20 RAYMOND STODDARD and
21 SANTIAGO MEDINA etc.,

22 Plaintiffs,

23 vs.

24 EQUILON ENTERPRISES, LLC, et
25 al.,

26 Defendants.

Case No. 30-2010-00395208-CU-0E-CXC

Hon. William Cluster
Department CX 102

CLASS ACTION

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

**[Filed Concurrently with
Memorandum Of Points And
Authorities, Declarations of Rees
and Medina and Plaintiffs'
[Proposed] Preliminary Approval
Order]**

Date: March 13, 2020
Time: 9:00 a.m.
Dept: CX 104
Complaint Filed: August 2, 2010
Trial Date: None Set

Reservation No. 73219881

1 TO THIS HONORABLE COURT:

2 PLEASE TAKE NOTICE that that on March 13, 2020, at 9:00 a.m., or as
3 soon thereafter as counsel may be heard, in Department CX 104 of the above-
4 entitled Court, Plaintiff Santiago Medina (“Medina”) will and does hereby move
5 for the following relief in connection with the settlement between Medina and
6 the Plaintiff Class and Defendant R&M Pacific Rim, Inc. (“R&M”). The
7 Settlement Agreement and exhibits thereto is attached as Exhibit A to the
8 contemporaneously filed Declaration of Samuel T. Rees.

9 1. For the entry of the Preliminary Approval Order in substantially the
10 form as lodged contemporaneously with this motion;

11 2. For a finding that the terms of the settlement to be within the range
12 of reasonableness and within the range of fairness and adequacy that ultimately
13 could be granted approval by this Court;

14 3. For a finding that the Settlement Class, including its two subclasses,
15 to be ascertainable and that there is a sufficiently well-defined community of
16 interest among those members;

17 4. For an order preliminarily certifying the Settlement Class for
18 settlement purposes only;

19 5. For an order approving Medina as Class Representative;

20 6. For an order approving and appointing Bleau Fox as Class Counsel;

21 7. For an order approving and appointing Phoenix Settlement
22 Administrators as the Settlement Administrator;

23 8. For a finding that after balancing privacy interests of the Settlement
24 Class it is necessary and appropriate, without prior notice to the Settlement
25 Class, that R&M be authorized and directed to provide the Settlement
26 Administrator and Class Counsel with the Class Information to be used solely
27 for settlement purposes;

28

1 9. For a finding approving the form and content of the Class Notice and
2 Claim Form;

3 10. For a finding approving the requirements for disputing the
4 information upon which the Settlement Class Members' share of the Settlement
5 will be calculated; approving the requirements for exclusion from the Settlement
6 by Settlement Class Members who so desire;

7 11. For an order approving the procedures and requirements for
8 submitting objections in connection with the Final Approval Hearing;

9 12. For a finding that the mailing of the Class Notice and Claim Form
10 substantially in the manner and form as set forth in the Settlement Agreement
11 and this Preliminary Approval Order meets the requirements of *California*
12 *Rules of Court* Rules 3.766(d) and 3.769(f), California Code of Civil Procedure
13 section 382, California Civil Code section 1781, other applicable law, and due
14 process, and is the best notice practicable under the circumstances, and
15 constituting valid, due and sufficient notice to all Settlement Class Members;

16 13. For an order authorizing the Settlement Administrator to mail to
17 the Settlement Class Members the Class Notice and Claim Form as provided in
18 the Settlement Agreement;

19 14. For an order directing that before Class Notices and Claim Forms
20 are mailed, the Settlement Administrator shall compile a list of all Settlement
21 Class Members' social security numbers provided by R&M in the Class
22 Information and send those names and social security numbers to the Social
23 Security Administration for verification and, upon receipt of a report from the
24 Social Security Administration with any Class Member names that do not match
25 the social security number provided by R&M, commonly called "TIN matching,"
26 directing the Settlement Administrator to then either obtain a substitute IRS
27 Form W-9 from that Responding Settlement Class Members or, if a properly
28

1 completed IRS Form W-9 is not obtained, utilize backup withholding on their
2 Individual Settlement Payments.

3 15. For a finding that Settlement Class Members, who wish to receive
4 their Individual Settlement Payment, must complete, sign and return by
5 facsimile, by First Class U.S. mail, postage prepaid or online through a website
6 which the Settlement Administrator is authorized to establish for the
7 settlement, or otherwise deliver, the Claim Form in accordance with the
8 instructions and deadline specified in the Class Notice.

9 16. For an order that prior to forty-six days following the entry of the
10 Preliminary Approval Order, Class Counsel shall serve and file its application
11 for a Class Counsel Award and litigation costs and expenses as well as any
12 application for a Service Award for Medina.

13 17. For an order that five days prior to the Final Approval Hearing,
14 Class Counsel shall serve and file the declaration of the Settlement
15 Administrator containing the information required by the Settlement
16 Agreement.

17 18. For an order setting the Final Approval Hearing at least one
18 hundred and fifty (150) days after entry of the Preliminary Approval Order.

19 This Motion is based upon the accompanying Memorandum of Points and
20 Authorities; the Declarations of Samuel T. Rees and Sanitago Medina and
21 exhibits thereto; any Reply Memorandum the papers and pleadings on file in
22 this action; and upon such evidence and argument as may be presented at the
23 time of the hearing.

24 Dated: February 7, 2020

BLEAU FOX
A Professional Law Corporation

26 By: /s/ Samuel T. Rees
27 SAMUEL T. REES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the Parish of Orleans, State of Louisiana. I am over the age of 18 and not a party to the within action; my business address is 26 Muirfield Place, New Orleans, Louisiana 70131.

On February 7, 2020, I served the foregoing document(s) described as **PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties to this action who are listed on the attached Service List by electronically serving those persons at the electronic addresses noted therein.

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

FEDERAL: I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct of my own personal knowledge, and that I am employed in the office of a member of the Bar of this Court at whose discretion this service was made.

Executed on February 7, 2020, at Burbank, California.

/s/ Samuel T. Rees

Samuel T. Rees

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

Raymond A. Cardozo, Esq.
Reed Smith, LLP
355 South Grand Avenue
Suite 2900
Los Angeles, CA 90071-3048
RCardozo@reedsmith.com

Allyson K. Thompson
Attorney at Law
Kring & Chung, LLP
38 Corporate Park
Irvine, CA 92606
athompson@kringandchung.com