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Superior Court of California,
Sacramento
06/05/2023
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By _____, Deputy
34-2022-00314949-CU-OI

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9 Attorneys for Plaintiffs CARLETON EDWARDS on behalf of himself
10 and similarly situated employees

11 [additional parties continued on next page]

12 **SUPERIOR COURT OF CALIFORNIA**

13 **FOR THE COUNTY OF SACRAMENTO**

14 CARLETON EDWARDS, MICHAEL
15 ADAMS, and PETER HALL, as individuals
16 and on behalf of all other similarly situated
17 employees,

18 Plaintiffs,

19 vs.

20 SUBURBAN PROPANE, L.P., a Delaware
21 Limited Partnership; and DOES 1 to 100,
22 inclusive,

23 Defendants.

Case No. 34-2022-00314949-CU-OE-GDS

*Assigned for All Purposes to Hon. Jill Talley,
Department 27*

CLASS ACTION

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT**

Reservation No. 2720117

BY FAX

Date: June 30, 2023

Time: 9:00 a.m.

Dept.: 27

Judge: Hon. Jill Talley

Filed: February 2, 2022

FAC Filed: June 6, 2022

SAC Filed: March 10, 2023

Trial Date: None Set

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21 Attorneys for Plaintiff PETER HALL
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1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on June 30, 2023, at 9:00 a.m., or as soon thereafter as the matter
3 may be heard in Department 27 of the above-entitled Court, Plaintiffs Carleton Edwards, Michael
4 Adams, and Peter Hall, individually and on behalf of all other similarly situated individuals, hereby
5 move for entry of an Order for the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiffs Carleton Edwards, Michael Adams, and Peter Hall as
8 Class Representatives for purposes of settlement;
- 9 3. Preliminarily appointing Galen T Shimoda and Justin P. Rodriguez of Shimoda & Rodriguez
10 Law, PC, Norman B. Blumenthal, Kyle R. Nordrehaug, Aparajit Bhowmik, Nicholas J. De
11 Blouw, Jeffrey S. Herman, and Sergio J. Puche Blumenthal of Nordrehaug Bhowmik
12 DeBlouw, LLP, and Mark D. Potter and James M. Treglio of Potter Handy LLP, as Class
13 Counsel for purposes of settlement;
- 14 4. Preliminarily approving the proposed class action and Private Attorneys General Act
15 settlement, in the amount of \$945,000, which is incorporated herein by reference;
- 16 5. Preliminarily approving the appointment of ILYM Group, Inc. as the Settlement
17 Administrator and for payment to ILYM Group, Inc. for administering said class action
18 settlement in an amount not to exceed \$17,500;
- 19 6. Preliminarily approving the settlement of claims under the Private Attorneys General Act for
20 the total amount of \$20,000, 75% of which will be paid to the Labor and Workforce
21 Development Agency and 25% of which will be paid to Aggrieved Employees;
- 22 7. Approving as to form and content the Notice of Settlement, which provide Class Members
23 information regarding the settlement, their ability to opt out of, or object to, the class action
24 settlement and which provides instruction on how to dispute an individual's settlement
25 allocation under the proposed settlement;
- 26 8. Approving the proposed procedures to notify the class and determining that the proposed
27 notification procedures and process complies with Class Members' due process rights and
28 directing the Notice of Settlement to be sent by first class mail to Class Members;

- 1 9. Directing Defendant to report employment information, including social security numbers, to
2 the Settlement Administrator to administer the settlement proceeds;
3 10. Scheduling a fairness hearing on the question of whether the proposed settlement should be
4 finally approved as fair, reasonable, and adequate;
5 11. Directing that any amount from settlement checks that were not cashed by the check cashing
6 deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for Workers
7 Rights under the doctrine of *cy pres*;
8 12. Preliminarily and conditionally approving and adopting the Proposed Order and its
9 implementation schedule, which is filed herewith and incorporated by reference.

10 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
11 2699(l), and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action
12 and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class Members
13 and should be approved by the Court. This motion will be based on the notice of motion, memorandum
14 of points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of Jim M. Treglio, the
15 Declaration of Kyle Nordrehaug, the Declaration of Carleton Edwards, the Declaration of Michael
16 Adams, the Declaration of Peter Hall, submitted exhibits, the record and files of this case, and any
17 further oral or documentary evidence introduced at the hearing of this motion.

18 **Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter**
19 **by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the**
20 **department may be downloaded off the court's website. If the party does not have online access,**
21 **they may call the dedicated phone number for the department as referenced in the local telephone**
22 **directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and**
23 **receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the**
24 **court day before the hearing, no hearing will be held.**

25 Dated: June 5, 2023

Shimoda & Rodriguez Law, PC

26 By: 

27 Galen T. Shimoda
Justin P. Rodriguez
Renald Konini
Attorneys for Plaintiff
Carleton Edwards