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8 on behalf of herself and similarly situated employees

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17 Attorneys for Plaintiff MICHAEL JOHNSON
18 on behalf of himself and similarly situated employees

19 **SUPERIOR COURT OF CALIFORNIA**
20 **FOR THE COUNTY OF SACRAMENTO**

21 KALI BATES and MICHAEL JOHNSON,
22 individually and on behalf of all other
23 similarly situated employees,

24 Plaintiffs,

25 vs.

26 MVP EVENT PRODUCTIONS, LLC, and
27 LEGENDS HOSPITALITY, LLC; Does 1
28 through 20, inclusive,

Defendants.

Case No. 34-2022-00317653

*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. A-317653-001

Date: January 19, 2024

Time: 9:00 a.m.

Dept.: 27

Judge: Hon. Jill Talley

Filed: May 18, 2022

FAC Filed: October 25, 2022

Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on January 19, 2024, at 9:00 a.m., or as soon thereafter as the
3 matter may be heard in Department 27 of the above-entitled Court, Plaintiffs Kali Bates and Michael
4 Johnson, individually and on behalf of all other similarly situated individuals, hereby move for entry of
5 an Order for the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiffs Kali Bates and Michael Johnson as class representatives
8 for purposes of settlement;
- 9 3. Preliminarily appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of
10 settlement;
- 11 4. Preliminarily approving the proposed class action and Private Attorneys General Act
12 settlement, in the amount of \$175,000, which is incorporated herein by reference;
- 13 5. Preliminarily approving the appointment of Apex Class Action as the Claims Administrator
14 and for payment to Apex Class Action for administering said class action settlement in an
15 amount not to exceed \$25,000;
- 16 6. Preliminarily approving the settlement of claims under the Private Attorneys General Act for
17 the total amount of \$10,000, 75% of which will be paid to the Labor and Workforce
18 Development Agency and 25% of which will be paid to Aggrieved Employees;
- 19 7. Approving as to form and content the Notice of Settlement and Claim Form, which provides
20 Class Members with information regarding the settlement, their ability to opt out of, or object
21 to, the settlement and which provides instruction on how to dispute an individual's settlement
22 allocation under the proposed settlement agreement and/or submit a Claim Form to
23 participate in the settlement;
- 24 8. Directing Defendant MVP Event Productions, LLC to provide the last known address and
25 social security number for each Class Member to the Claims Administrator;
- 26 9. Directing Defendant Legends Hospitality, LLC to provide available telephone numbers, e-
27 mail addresses, start and end dates for shifts worked, and locations worked for each Class
28 Member to the Claims Administrator;

1 10. Approving the proposed procedures to notify the class and determining that the proposed
2 notification procedures and process complies with Class Members' due process rights and
3 directing the Notice of Settlement and Claim Form to be sent by first class mail if addresses
4 are provided by Defendant MVP Event Productions, LLC or can be obtained by the Claims
5 Administrator through contacting Class Members by telephone or e-mail, or in the
6 alternative, if addresses are not provided or obtainable for all Class Members, directing that
7 the Notice of Settlement and Claim Form be sent by first class mail to any Class Members
8 addresses can be ascertained for as well as posted on the Claim's Administrator's website
9 and Defendant MVP Event Production, LLC's social media sites and/or Ridgeview Vista,
10 Inc.'s, who Plaintiffs contend are a successor to Defendant MVP Event Production, LLC;

11 11. Scheduling a fairness hearing on the question of whether the proposed settlement should be
12 finally approved as fair, reasonable, and adequate;

13 12. Directing that any amount from settlement checks that were not cashed by the check cashing
14 deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for Workers
15 Rights under the doctrine of *cy pres*;

16 13. Preliminarily and conditionally approving and adopting the Proposed Order and its
17 implementation schedule, which is filed herewith and incorporated by reference; and

18 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
19 2699(1), and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action
20 and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class Members
21 and should be approved by the Court. This motion will be based on the notice of motion, memorandum
22 of points and authorities, the Declaration of Brittany V. Berzin, the Declaration of Timothy B. Del
23 Castillo, the Declaration of Kali Bates, the Declaration of Michael Johnson, exhibits, the record and files
24 of this case, and any further oral or documentary evidence introduced at the hearing of this motion.

25
26 **Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter**
27 **by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the**
28 **department may be downloaded off the court's website. If the party does not have online access,**
they may call the dedicated phone number for the department as referenced in the local telephone
directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and

1 receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the
2 court day before the hearing, no hearing will be held.

3 Dated: December 21, 2023

Shimoda & Rodriguez Law, PC

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5 By: *Brittany Berzin*
6 Galen T. Shimoda
7 Justin P. Rodriguez
8 Brittany V. Berzin
9 Attorneys for Plaintiffs
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