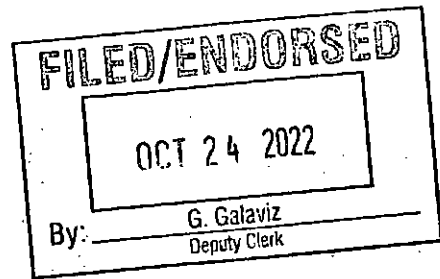


1 Galen T. Shimoda (Cal. State Bar No. 226752)  
2 Justin P. Rodriguez (Cal. State Bar No. 278275)  
3 Brittany V. Berzin (Cal. State Bar No. 325121)  
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9 Attorneys for Plaintiff BLAKE MCMAHON



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

BLAKE MCMAHON, individually, and on  
behalf of all others similarly situated,

Plaintiff,

vs.

AIRCO MECHANICAL, INC., a California  
Corporation; and DOES 1 to 100, inclusive,

Defendants.

Case No. 34-2019-00259269

**CLASS ACTION**

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

Reservation No. 2675831

Date: November 18, 2022

Time: 9:00 a.m.

Dept.: 25

Judge: Hon. Jill H. Talley

**BY FAX**

Filed: June 25, 2019

FAC Filed: September 19, 2019

SAC Filed: May 20, 2020

TAC Filed: April 23, 2021

Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on November 18, 2022, at 9:00 a.m., or as soon thereafter as the  
3 matter may be heard in Department 25 of the above-entitled Court, Plaintiff Blake McMahon,  
4 individually and on behalf of all other similarly situated individuals, hereby move for entry of an Order  
5 for the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiff Blake McMahon as class representatives for purposes of  
8 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 \$445,000.00, which is incorporated herein by reference;
- 13 5. Preliminarily approving the application for payment to Class Counsel of attorneys' fees in  
14 the amount of 35% of the Gross Settlement Amount;
- 15 6. Preliminarily approving the application for payment to Class Counsel of reasonable costs not  
16 to exceed \$17,500.00;
- 17 7. Preliminarily and conditionally approving the Class Representative Enhancement Payments  
18 of \$15,000 to Plaintiff Blake McMahon;
- 19 8. Preliminarily approving the appointment of ILYM Group, LLC as the Claims Administrator  
20 and for payment to ILYM Group, LLC for administering said class action settlement in an  
21 amount not to exceed \$15,000;
- 22 9. Preliminarily approving the settlement of claims under the Private Attorneys General Act for  
23 the total amount of \$10,000, 75% of which will be paid to the Labor and Workforce  
24 Development Agency and 25% of which will be paid to Aggrieved Employees;
- 25 10. Approving as to form and content the Notice of Settlement, which provide Class Members  
26 information regarding the settlement, their ability to opt out of, or object to, the class action  
27 settlement and which provides instruction on how to dispute an individual's settlement  
28 allocation under the proposed settlement agreement;

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

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

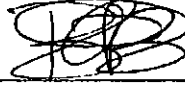
20  
21 **Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter**  
22 **by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the**  
23 **department may be downloaded off the court's website. If the party does not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

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2 Dated: October 24, 2022

**Shimoda & Rodriguez Law, PC**

3  
4 By: \_\_\_\_\_



5 Galen T. Shimoda  
6 Justin P. Rodriguez  
7 Brittany V. Berzin  
8 Attorneys for Plaintiff  
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