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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 SERGIO PERALTA, Individually
14 and on Behalf of Other Members of
the Public Similarly Situated,

15 Plaintiff,

16 v.

17 LQ MANAGEMENT L.L.C. d/b/a
18 HVM/LQ MANAGEMENT L.L.C.,
and HVM/LQ MANAGEMENT
19 L.L.C.,

20 Defendants.

Case No. 3:14-CV-01027-DMS-JLB

CLASS ACTION

REPRESENTATIVE ACTION

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

Judge: Hon. Dana M. Sabraw
Courtroom: 13A
Hearing Date: July 17, 2015
Hearing Time: 1:30 p.m.

Action Filed: January 28, 2014
Action Removed: April 23, 2014

1 TO THE COURT AND ALL INTERESTED PARTIES:

2 PLEASE TAKE NOTICE THAT on July 17, 2015, at 1:30 p.m., or as soon
 3 thereafter as the matter can be heard, before the Honorable Dana M. Sabraw, Courtroom
 4 13A, of the United States District Court for the Southern District of California, located at
 5 333 West Broadway, San Diego, California 92101, Plaintiff Sergio Peralta ("Plaintiff")
 6 will, and hereby does, move the Court, on a *renewed*¹ basis, to grant preliminary
 7 approval of the parties' proposed class action settlement. Specifically, Plaintiff *renews*
 8 his requests that the Court issue an order: (i) granting preliminary approval of the
 9 proposed class action settlement; (ii) granting conditional certification of the settlement
 10 classes; (iii) authorizing the mailing of the proposed class notice; (iv) appointing
 11 Plaintiff as the class representative, The Dente Law Firm and Robbins Arroyo LLP as
 12 class counsel, and Phoenix Settlement Administrators as the claims administrator; and
 13 (v) scheduling a "fairness hearing" for final approval of the settlement. Plaintiff's
 14 *renewed* motion is unopposed.

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16 ¹ Plaintiff's original motion was filed on February 24, 2015. On April 30, 2015, the
 17 Court issued an Order Denying Without Prejudice Plaintiff's Motion for Preliminary
 18 Approval of Class Action Settlement (Dkt No. 30) ("April 30, 2015 Order"). In the
 19 April 30, 2015 Order, the Court denied Plaintiff's original motion for four specified
 20 reasons. Through Plaintiff's *Renewed Unopposed Motion for Preliminary Approval of*
 21 *Class Action Settlement*, Plaintiff cures each of the four specified issues. Specifically,
 22 Plaintiff:

20

21 (i) provides further information to evaluate the fairness and adequacy of the
 22 proposed settlement by: (a) including an analysis of recoverable damages
 23 had the class members prevailed at trial and a useful comparison between
 24 full recovery to class members and the recovery offered under the proposed
 25 settlement; and (b) stating the average recovery and the range of recovery
 26 for the members of the Non-Exempt Class;

24

25 (ii) clarifies how the parties arrived at the points system (which forms the basis
 26 for allocation of net settlement funds among class members), and amends
 27 the previously submitted proposed notice in this regard;

26

27 (ii) provides further information to support the appointment of Phoenix
 28 Settlement Administrators; and

28

(iv) provides information regarding compliance with 28 U.S.C. section 1715.

1 This *renewed* motion is made pursuant to Rule 23(e) of the Federal Rules of Civil
2 Procedure. Plaintiff makes this *renewed* motion on the grounds that the proposed
3 settlement is fair, adequate, and reasonable; it is well within the range of possible final
4 approval; and the notice procedures proposed by the parties are adequate to ensure the
5 opportunity of class members to participate in, opt out of, or object to the settlement.

6 This motion is based upon this notice of *renewed* unopposed motion and motion,
7 the accompanying memorandum of points and authorities in support of the motion, the
8 declarations of Matthew S. Dente, Diane E. Richard, Plaintiff, Christopher W. Decker,
9 and Michael E. Moore, David Voyer, and attached exhibits, such evidence and argument
10 of counsel as may be presented at the hearing, the complete files and records in the
11 above-captioned matter, and such additional matters as the Court may consider.

12 Dated: June 17, 2015

ROBBINS ARROYO LLP
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14 s/ Diane E. Richard
DIANE E. RICHARD

15 Attorneys for Plaintiff Sergio Peralta
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