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10 Attorneys for Plaintiff Sergio Peralta
And for the Class

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

13 SERGIO PERALTA, individually and
14 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
19 HVM/LQ MANAGEMENT L.L.C.,

20 Defendants.

CASE NO. 3:14-CV-01027-DMS-JLB

Honorable Judge: Dana M. Sabraw
Courtroom: 13A
Hearing Date: November 6, 2015
Hearing Time: 1:30 pm

CLASS ACTION

REPRESENTATIVE ACTION

**NOTICE OF PLAINTIFF'S MOTION
AND MOTION FOR ATTORNEYS'
FEES AND COSTS**

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

1 TO THE COURT AND ALL INTERESTED PARTIES:

2 PLEASE TAKE NOTICE THAT on November 6, 2015, at 1:30 p.m., or as soon
3 thereafter as the matter can be heard, before the Honorable Dana M. Sabraw in
4 Courtroom 13A of the United States District Court for the Southern District of California,
5 located at 333 West Broadway, San Diego, California 92101, Plaintiff SERGIO
6 PERALTA ("Plaintiff") will, and hereby does, move the Court for an order approving
7 Class Counsel's¹ request for an award of \$270,000 in attorneys' fees and at least
8 \$13,645.62 in costs² as a part of the Settlement reached in this matter.³

9 This Motion is made pursuant to Rule 23(h) of the Federal Rules of Civil
10 Procedure which requires Court approval of the award of attorneys' fees and costs as a
11 part of the settlement of a class action and on the grounds that: (i) the proposed class
12 settlement is fair, adequate, and reasonable; and (ii) by the time this Motion is heard all
13 Class Members will have been given the opportunity to participate in, opt out of, or
14 object to the Settlement including the award of attorneys' fees and costs thereunder.

15 This Motion is based upon this Notice of Plaintiff's Motion and Motion for
16 Attorneys' Fees and Costs and the accompanying Memorandum of Points and Authorities
17 in Support of the Motion, and the supporting Declarations of Diane E. Richard and

18 ¹ Unless otherwise noted, all capitalized terms shall have the same definition as set forth
19 in the Stipulation for Class Action Settlement ("Settlement") dated February 24, 2015].
20 A true and correct copy of the Settlement is attached as **Exhibit 1** to Declaration of Diane
21 E. Richard in Support of Plaintiff's *Renewed* Unopposed Motion for Preliminary
Approval of Class Action Settlement filed June 17, 2015 (Doc. No. 27-2)

22 ² Any additional costs incurred will be included with Plaintiff's Motion for Final Approval
23 of the Settlement which will be filed on or before October 9, 2015, pursuant to the
Court's Order Granting Motion for Preliminary Approval of Class Action Settlement
24 ("Preliminary Approval Order") entered on July 23, 2015. (Doc. No. 35)

25 ³ This Motion is being filed well before the end of the Notice Period set in the
26 Preliminary Approval Order in order to ensure that all Class Members have the
27 opportunity to review the basis for Class Counsel's claim for attorneys' fees and costs
28 during the time period in which they may object to the Settlement as required by the
Ninth Circuit Court of Appeals in *In Re Mercury Interactive Corporation Securities
Litigation*, 618 F.3d 988, 995 (9th Cir. 2010). A proposed order granting Plaintiff's
request for attorneys' fees and costs will be submitted with Plaintiff's Motion for Final
Approval of Settlement.

1 Matthew S. Dente filed herewith, such evidence and argument of counsel as may be
2 presented at the hearing, the complete files and records in the above-captioned matter,
3 and such additional matters as the Court may consider.

4 Dated: September 4, 2015

ROBBINS ARROYO LLP
DENTE LAW, P.C.

7 By: s/ Diane E. Richard

DIANE E. RICHARD, ESQ.
Attorneys for Plaintiff Sergio Peralta
And for the Class
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11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on September 4, 2015, I caused the foregoing document to be
13 electronically filed with the Clerk of the Court using the CM/ECF system which will send
14 notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice
15 List.

16 s/ Diane E. Richard

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