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28 Attorneys for Petitioners and Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

Wendell G. Moen, Jay Davis, Donna Ventura, Gregory M.
Bianchini, Alan Hindmarsh, Cal Wood and Sharon Wood,
on behalf of Themselves and Others Similarly Situated,

Petitioners,

v.

Regents of University of California, and Does, 1 through
99, inclusive,

Respondents.

No. RG 10530492

**Notice of Motion and Motion for
Final Approval of Stipulation of
Class Action Settlement and
Release**

Date: April 10, 2020

Time: 10:00 a.m.

Dept.: 21

Judge: Hon. Winifred Y. Smith

Reservation No.: R-2151295

1 **Notice of Motion and Motion**

2 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

3 The Dept. 21 Guidelines for Final Approval of Class Action Settlement, ¶ 1, provide:

4 Since the date and place of final approval hearings are set by the preliminary approval
5 order, notice of which is typically included in the notice to class members of the
6 settlement itself (California Rules of Court [“CRC”] 3.769(e) & (f)), the final approval
7 hearing is outside the scope of Code of Civil Procedure §1005. Nevertheless, settling
8 parties should caption their papers submitted in support of final approval as a “Motion for
9 Final Approval,” and should obtain a motion reservation number from the Department 21
10 clerk before filing. Doing so will ensure proper handling in the court's electronic
11 calendaring system, and provide the mechanism for the issuance of a tentative ruling.

12 Pursuant to these Guidelines, notice of the hearing on Petitioners’ Motion for Final Approval of
13 Stipulation of Class Action Settlement and Release has already been provided. Specifically, the Court’s
14 orders on December 20, 2019 granting preliminary approval of the class action settlement provided
15 adequate notice that it was setting a hearing for April 10, 2020 on Petitioners’ Motion for Final Approval
16 of Stipulation of Class Action Settlement and Release, which was set for 10:00 a.m. in Department 21 of
17 the above-entitled Court, located at 1221 Oak Street, 4th Floor, Oakland, California 94612.

18 Given the ongoing COVID-19 situation, Petitioners intend to ask the Court to conduct the hearing
19 telephonically. Petitioners also request that the hearing not be re-scheduled because the relief requested
20 in the motion will trigger financial benefits and health care security to aging Class Members (including
21 an immediate \$1,000 payment), many of whom are in categories most susceptible to the financial burdens
22 and aggravated health care insecurity triggered by the COVID-19 Pandemic.

23 At the hearing, Petitioners will move the Court pursuant to California Rules of Court 3.769(f), (g),
24 (h) for an entry of the [Proposed] Final Approval Order and Judgment filed herewith, granting final
25 approval of the Parties’ Stipulation of Class Action Settlement and Release.

26 This motion is made pursuant to California Rules of Court 3.769(f), (g), (h) and will be based on
27 this notice; the accompanying memorandum and declarations in support thereof; the [Proposed] Final
28 Approval Order and Judgment; all other papers on file in this action; and such oral or documentary
evidence as may be presented at the hearing on this motion.

1 DATE: March 17, 2020

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Andrew Thomas Sinclair
Attorney for Petitioners and Class