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11 Attorneys for Petitioner and Plaintiff

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF SAN BERNARDINO

14 CHRISTINA LOPEZ-BURTON, an
15 individual, on behalf of herself and all others
16 similarly situated,

17 Petitioner and Plaintiff,

18 v.

19 TOWN OF APPLE VALLEY, a general law
20 city; and DOES 1-10,

21 Respondents and Defendants.
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUN 28 2019

BY Amber M. Gear
AMBER M. GEAR, DEPUTY

Case No.: CIVDS1725027

Assigned for all purposes to Hon. David S. Cohn

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

**[MEMORANDUM OF POINTS AND
AUTHORITIES, DECLARATION OF
ERIC J. BENINK, DECLARATION OF
PRESCOTT W. LITTLEFIELD,
DECLARATION OF CHRISTINA LOPEZ-
BURTON, DECLARATION OF MICHAEL
E. MOORE, AND CLASS ACTION
SETTLEMENT AGREEMENT, FILED
HEREWITH]**

DATE: July 23, 2019
TIME: 8:30 a.m.
DEPT: S26

1 **TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **NOTICE IS HEREBY GIVEN** that on July 23, 2019, at 8:30 a.m., in Department S26 of
3 the Superior Court of the State of California for the County of San Bernardino, located at the San
4 Bernardino Justice Center, 247 West Third Street, San Bernardino, California 92415, the
5 Honorable David Cohn presiding, Petitioner and Plaintiff Christina Lopez-Burton (“Plaintiff”)
6 will move and hereby does move the Court, pursuant to California Rules of Court 3.766 and
7 3.769, to enter an order that (a) preliminarily approves a Class Action Settlement (“Settlement”),
8 (b) provisionally certifies a Settlement Class, (c) directs notice to the Class, (d) appoints Plaintiff
9 as the Class Representative and Eric J. Benink, Esq. of Benink & Slavens, LLP and Prescott
10 Littlefield, Esq. of Kearney Littlefield, LLP as Class Counsel, and (e) sets deadlines and
11 schedules a Fairness Hearing for consideration of final approval of the Settlement according to
12 the following schedule:

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Event	Timing
Last day for the Town to send the Summary Notice, for the Town to cause the Publication Notice to be published in the San Bernardino Sun on two dates which are seven (7) days apart; Last day for Claims Administrator to establish a Settlement Website	10 days after entry of the Preliminary Approval Order
Last day for Class Members to mail a claim, request exclusion or object to the Agreement	45 days after Summary Notice is mailed
Last day for Class Counsel to move for Attorneys’ Fees and Expenses or for a Class Representative Service Award	14 days prior to the date for exclusion or objection
Last day for Parties to file briefs in support of the Final Order and Judgment	14 days prior to the date for exclusion or objection
Last day to file an affidavit of compliance with all notice requirements	5 court days before Fairness Hearing
Last day for Claims Administrator to file a statement of its fees and costs	5 court days before Fairness Hearing
Last day for Town to file an application for reimbursement of publication notice	5 court days before Fairness Hearing
Last day to file response to objections	5 court days before Fairness Hearing

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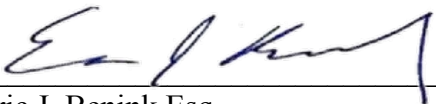
Event	Timing
Fairness Hearing	Not earlier than October 3, 2019

The motion is based on the fact that the Settlement was reached after two mediation sessions with the Hon. Jeffrey King (Ret.) following extensive discovery and briefing on the writ petition, and falls within the range of possible approval as fair, reasonable and adequate and in the best interests of absent Class Members; the proposed Class Representative and Class Counsel will fairly and adequately protect the interests of the Class; and the proposed form and manner of notice to the Class satisfies due process.

This motion is based on this notice of motion, the points and authorities filed herewith; the Declaration of Eric J. Benink, filed herewith; the Declaration of Prescott W. Littlefield, filed herewith; the Declaration of Christina Lopez-Burton, filed herewith; the Declaration of Michael E. Moore, filed herewith; the Class Action Settlement Agreement, filed herewith; and all of the records and files in this case, including the Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief and Refund of Illegal Fees and Charges, previously filed; and the Town of Apple Valley’s Answer to Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief and Refund of Illegal Fees and Charges previously filed; the briefing previously filed on the writ petition; the proposed Order Preliminarily Approving Class Action Settlement, Provisionally Certifying Settlement Class, and Directing Notice to Class, lodged herewith, and any arguments that the Court may hear at the hearing.

BENINK & SLAVENS, LLP.

DATED: June 27, 2019


 Eric J. Benink Esq.
 Attorneys for Petitioner / Plaintiff
 Christina Lopez-Burton