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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 individual, on
15 behalf of herself and all others similarly situated,

16 Petitioner and Plaintiff,

17 v.

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

20 Respondents and Defendants.
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Case No.: CIVDS1725027

*Assigned for all purposes to Hon. David S.
Cohn*

**PETITIONER AND PLAINTIFF
CHRISTINA LOPEZ-BURTON'S NOTICE
OF MOTION AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

**[MEMORANDUM OF POINTS AND
AUTHORITIES, DECLARATION OF
ERIC J. BENINK, FILED HEREWITH]**

DATE: October 16, 2019

TIME: 8:30 a.m.

DEPT: S26

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

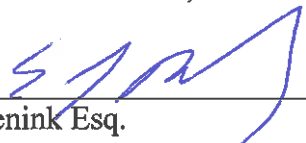
2 **NOTICE IS HEREBY GIVEN** that on October 16, 2019, at 8:30 a.m., in Department S26 of the
3 Superior Court of the State of California for the County of San Bernardino, located at the San
4 Bernardino Justice Center, 247 West Third Street, San Bernardino, California 92415, the Honorable
5 David S. Cohn presiding, Petitioner and Plaintiff Christina Lopez-Burton (“Burton”), on behalf of
6 herself and the provisionally certified class, will move and hereby does move this Court, pursuant to
7 California Rules of Court, Rule 3.769 and California Code of Civil Procedure, section 382, to (a) grant
8 final approval of a Settlement of the above-entitled class action, (b) finally certify the Settlement
9 Class, and (c) appoint Burton as Class Representative and Eric J. Benink and Prescott W. Littlefield as
10 Class Counsel.

11 This motion is made on the grounds that the proposed Settlement is fair, adequate and reasonable
12 and in the best interests of the class, that class notice has been provided in compliance with the
13 Court’s July 23, 2019 Order Preliminarily Approving Settlement, Provisionally Certifying Settlement
14 Class, and Directing Notice to Class, and that any objections timely submitted should be overruled. It
15 is also made on the grounds that the Class meets all of the requirements to be certified and Burton and
16 Class Counsel have fairly and adequately protected the interests of the Class.

17 This motion is based on this Notice of Motion; the Memorandum of Points and Authorities, filed
18 herewith; the Declaration of Eric J. Benink, filed herewith; the concurrently filed Motion for
19 Attorney’s Fees, filed herewith, including, but not limited to the Declarations of Eric J. Benink and
20 Prescott W. Littlefield, filed in support thereof; the papers to be filed on October 8, 2019, including
21 the affidavit of compliance with notice requirements, the Claims Administrator’s statement of fees and
22 costs, and any responses to objections that may be lodged; the complete records and files in this
23 action; and any arguments that the Court may hear at the hearing.

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25 DATED: September 9, 2019

BENINK & SLAVENS, LLP

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