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 13 *Collective and California Class*

14 **UNITED STATES DISTRICT COURT**
 15 **CENTRAL DISTRICT OF CALIFORNIA**

16 Luis Duque and Daniel Thibodeau,
 17 individually, on behalf of others similarly
 18 situated, and on behalf of the general
 19 public,

20 Plaintiffs,

21 vs.

22 Bank of America, National Association,
 23 and DOES 1-50,

24 Defendant.

Case No.: 8:18-cv-01298-PA-MRW

**PLAINTIFFS' NOTICE OF
 MOTION AND UNOPPOSED
 MOTION FOR PRELIMINARY
 APPROVAL OF AMENDED CLASS
 AND COLLECTIVE ACTION
 SETTLEMENT**

Date: December 10, 2018

Time: 1:30 p.m.

Place: Courtroom 9A

Hon. Percy Anderson

1 NOTICE OF MOTION & MOTION TO THE COURT AND ALL INTERESTED PARTIES:

2 PLEASE TAKE NOTICE that a hearing will be held on Plaintiffs' Unopposed Motion
3 for Preliminary Approval of Amended Class and Collective Action Settlement on December
4 10, 2018 at 1:30 p.m. in the Courtroom of the Honorable United States District Court Judge
5 Percy Anderson, located at Courtroom 9A, 350 W. 1st Street, Los Angeles, CA,. At the
6 hearing, representative Plaintiffs Luis Duque and Daniel Thibodeau, through their attorneys
7 and on behalf of all others similarly situated, will and hereby do move the Court to:
8 preliminarily approve the \$1,950,000 Settlement between the Plaintiffs and Defendant Bank
9 of America, National Association; name Bryan Schwartz Law as Class Counsel and Messrs.
10 Duque and Thibodeau as Class Representatives; name Rust Consulting as the Claims
11 Administrator; authorize the mailing of notices to the California Class and Collective Action
12 Members; and schedule a final approval hearing date.

13 The Motion is based upon the Unopposed Motion for Preliminary Approval of
14 Amended Class And Collective Action Settlement and Memorandum of Points and
15 Authorities in Support Thereof; the Declaration of Bryan J. Schwartz, Esq. ("Schwartz
16 Decl."), in support of the motion, and the exhibits thereto, including the Amended Joint
17 Stipulation For Settlement and Release of Class and Collective Action Claims and the
18 Proposed Class and Collective Action Notices; the original Unopposed Motion for
19 Preliminary Approval of Amended Class And Collective Action Settlement and
20 Memorandum of Points and Authorities in Support Thereof (Dkt. #15) and all declarations
21 and exhibits filed in support thereof (Dkt. #'s 15-1 through 15-5); any oral argument of
22 counsel; the complete files, records, and pleadings in this matter; and such additional matters
23 as the Court may consider. A Proposed Order is submitted herewith.

24 Dated: November 8, 2018

BRYAN SCHWARTZ LAW

25 By: /s/ Bryan J. Schwartz

26 BRYAN J. SCHWARTZ

27 RACHEL M. TERP

28 DECAROL A. DAVIS

*Attorneys for the Proposed FLSA
Collective and California Class*

1 extremely advantageous to the Advocates and provides them far better results than they
2 might achieve absent the settlement, providing thousands of dollars on average, when
3 most would not recover anything absent the settlement. Accordingly, the Court should
4 approve the Amended Settlement, which addresses the particular opt-in mechanism
5 rejected previously by this Court, and allow the Notices to issue promptly.

6
7 Dated: November 8, 2018

BRYAN SCHWARTZ LAW

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9 By: /s/ Bryan J. Schwartz

BRYAN J. SCHWARTZ

RACHEL M. TERP

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13 *Collective and California Classes*
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