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Attorneys for Plaintiffs and the Collective  
and Putative Classes

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

VLADIMIR AMARAUT, *et al.* on behalf  
of themselves and all others similarly  
situated,

Plaintiffs,

vs.

SPRINT/UNITED MANAGEMENT  
COMPANY,

Defendant.

Case No. 3:19-cv-00411-WQH-AHG

**PLAINTIFFS’ NOTICE OF  
MOTION AND MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS AND COLLECTIVE  
ACTION SETTLEMENT**

Hearing Date: February 16, 2021

**NO ORAL ARGUMENT UNLESS  
REQUESTED BY THE COURT**

Judge: Hon. William Q. Hayes

Date action filed: February 28, 2019

1 Gregg I. Shavitz (*pro hac vice*)  
Michael Palitz (*pro hac vice*)  
2 Tamra C. Givens (*pro hac vice*)  
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Collective and Putative Classes  
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1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS**  
2 **OF RECORD:**

3 **NOTICE IS HEREBY GIVEN** that Plaintiffs Vladimir Amaraut, Katherine  
4 Almonte, Kristopher Fox, Dylan McCollum, Quinn Myers, and Marissa Painter  
5 (collectively, “Plaintiffs”), move the Court for preliminary approval of the Class and  
6 Collective Action Settlement Agreement (the “Settlement Agreement” or the  
7 “Settlement,” attached as **Exhibit 1** to the accompanying Declaration of Carolyn Hunt  
8 Cottrell) as to the Arizona, Colorado, New York, Ohio, and Washington Classes, and  
9 approval of the Settlement as to the Collective. The Settlement resolves the claims in  
10 this action on a class and collective basis. In particular, Plaintiffs move for orders:

11 **As to the Arizona, Colorado, New York, Ohio, and Washington Classes:**

12 (1) Granting preliminary approval of the Settlement Agreement as to the  
13 Arizona, Colorado, New York, Ohio, and Washington Classes;

14 (2) Conditionally certifying the Arizona, Colorado, New York, Ohio, and  
15 Washington Classes for settlement purposes;

16 (3) Approving the proposed schedule and procedure for completing the final  
17 approval process for the Settlement as to the Arizona, Colorado, New York, Ohio, and  
18 Washington Classes, including setting the Final Approval Hearing;

19 (4) Approving the Notice of Class Action Settlement and Hearing Date for  
20 Court Approval (“Class Notice”) and the Notice of Class and Collective Action  
21 Settlement and Hearing Date for Court Approval (“Class/Collective Notice”), as they  
22 pertain to the Arizona, Colorado, New York, Ohio, and Washington Classes (attached  
23 as **Exhibits A and C** to the Settlement Agreement, respectively);

24 (5) Preliminarily appointing and approving Schneider Wallace Cottrell  
25 Konecky LLP and Shavitz Law Group, P.A. as Counsel for the Classes;

26 (6) Preliminarily approving Class Counsel’s request for attorneys’ fees and  
27 costs;

28 (7) Preliminarily appointing and approving Plaintiff Dylan McCollum as

1 Class Representative for the Arizona Class, Plaintiff Quinn Myers as Class  
2 Representative for the Colorado Class, Plaintiff Katherine Almonte as Class  
3 Representative for the New York Class, Plaintiff Kristopher Fox as Class  
4 Representative for the Ohio Class, and Plaintiff Marissa Painter as Class  
5 Representative for the Washington Class;

6 (8) Preliminarily appointing and approving Heffler Claims Group (“Heffler”)  
7 as the Settlement Administrator for the Arizona, Colorado, New York, Ohio, and  
8 Washington Classes; and

9 (9) Authorizing the Settlement Administrator to mail and e-mail the approved  
10 Class Notice and Class/Collective Notice to the Arizona, Colorado, New York, Ohio,  
11 and Washington Classes.

12 **As to the Collective:**

13 (1) Granting approval of the Settlement Agreement as to the Collective;

14 (2) Approving the Notice of Collective Action Settlement (“Collective  
15 Notice”) and the Class/Collective Notice as they pertain to the Collective (attached as  
16 **Exhibits B and C** to the Settlement Agreement, respectively);

17 (3) Approving the proposed schedule and procedure for completing the  
18 settlement process as to the Collective;

19 (4) Approving and appointing Schneider Wallace Cottrell Konecky LLP and  
20 Shavitz Law Group, P.A. as Counsel for the Collective for purposes of the Settlement;

21 (5) Appointing and approving Plaintiff Vladimir Amaraut as Collective  
22 Representative for purposes of the Settlement;

23 (6) Appointing and approving Heffler as the Settlement Administrator for the  
24 Collective; and

25 (7) Authorizing the Settlement Administrator to mail and e-mail the approved  
26 Collective Notice and the Class/Collective Notice to the Collective as set forth in the  
27 Settlement Agreement.

28 Plaintiffs bring this Motion pursuant to Federal Rules of Civil Procedure 23(e)

1 and long-established precedent requiring Court approval for Fair Labor Standards Act  
2 settlements.<sup>1</sup> The Motion is based on this notice, the following Memorandum of Points  
3 and Authorities, the Declarations of Carolyn Hunt Cottrell and Gregg I. Shavitz, the  
4 Settlement Agreement, and all other records, pleadings, and papers on file in the action  
5 and such other evidence or argument as may be presented to the Court at the hearing  
6 on this Motion. Plaintiffs also submit a proposed Order Granting Preliminary Approval  
7 of Class and Collective Action Settlement with their moving papers.

8  
9 Date: January 8, 2021

Respectfully submitted,

10  
11 /s/ Carolyn Hunt Cottrell  
12 Carolyn Hunt Cottrell  
13 David C. Leimbach  
14 Scott L. Gordon  
15 **SCHNEIDER WALLACE**  
16 **COTTRELL KONECKY LLP**

17 /s/ Gregg I. Shavitz  
18 Gregg I. Shavitz (*pro hac vice*)  
19 Michael Palitz (*pro hac vice*)  
20 Tamra C. Givens (*pro hac vice*)  
21 **SHAVITZ LAW GROUP, P.A.**

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27 Attorneys for Plaintiffs and the Collective and  
28 Putative Classes

<sup>1</sup> See, e.g., *Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350, 1352-53 (11th Cir. 1982); *Selk v. Pioneers Mem’l Healthcare Dist.*, 159 F. Supp. 3d 1164, 1172 (S.D. Cal. 2016); *Banks v. Pyramid Consulting, Inc.*, No. 3:18-cv-00078-H-JLB, 2019 U.S. Dist. LEXIS 13381, at \*6 (S.D. Cal. Jan. 28, 2019).

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**SIGNATURE ATTESTATION**

I hereby attest that all signatories listed above, on whose behalf this joint motion is submitted, concur in the filing’s content and have authorized the filing.

Dated: January 8, 2021

/s/ Carolyn Hunt Cottrell  
Carolyn Hunt Cottrell

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court for the United States District Court, Southern District of California, by using the Court’s CM/ECF system on January 8, 2021.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Court’s CM/ECF system.

Dated: January 8, 2021

/s/ Carolyn Hunt Cottrell  
Carolyn Hunt Cottrell