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10 Attorneys for Plaintiff DIEGO ORNELAS
on behalf of himself and all other similarly situated

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN FRANCISCO**

13 DIEGO ORNELAS, an individual, on behalf
of himself and others similarly situated,

14 Plaintiff,

15 vs.

16 NATIONAL STORAGE AFFILIATES
17 TRUST, a Maryland real estate investment
trust; INTANDEM HUMAN RESOURCES,
18 LLC, a Colorado limited liability company;
STORAGE MANAGEMENT AND
19 LEASING CO., LLC, a Florida limited
liability company; ISTOREAGE JV, LLC, a
20 Delaware limited liability company; and
DOES 1 through 50, inclusive,

21 Defendants.
22

Case No.: CGC-18-571421

CLASS ACTION

Assigned for Law and Motion Purposes To:
Hon. Curtis E.A. Karnow
Dept.: 611, Civic Center Courthouse

**PLAINTIFF'S NOTICE OF UNOPPOSED
MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF
AMENDED JOINT STIPULATION OF
CLASS ACTION SETTLEMENT**

*[Filed concurrently with Memorandum of Points
and Authorities; Declarations of David
Yeremian, Alvin B. Lindsay, and Diego Ornelas;
and [Proposed] Order]*

Date: May 20, 2021
Time: 4:00 p.m.
Department 611

Complaint Filed: November 19, 2018
First Amended Complaint: March 28, 2019
Trial Date: None Set

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

04/22/2021
Clerk of the Court

BY: SANDRA SCHIRO
Deputy Clerk

1 **TO THE COURT AND DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on **May 20, 2021** at 4:00 p.m., or as soon thereafter as this
3 matter may be heard, in Department 611 of the above entitled Civic Center Courthouse, located at
4 400 McAllister St., San Francisco, CA 94102-4514, Plaintiff DIEGO ORNELAS (“Plaintiff”), on
5 behalf of himself and all other similarly situated employees of Defendants, NATIONAL
6 STORAGE AFFILIATES TRUST (“NSAT”), INTANDEM HUMAN RESOURCES, LLC
7 (“InTandem”), STORAGE MANAGEMENT AND LEASING CO., LLC (“SMLC”), and
8 ISTOREAGE JV, LLC (“iStorage”) (collectively, “Defendants”) (with Plaintiff, “the parties”) will
9 and hereby does move this Court pursuant to California Code of Civil Procedure § 382 and
10 California Rule of Court 3.769 for an order as proposed:

11 1. Preliminarily approving the proposed class-wide settlement of this action as set
12 forth in the parties’ Amended Stipulation for Settlement and Release of Class and Representative
13 Action Claims (“Settlement Agreement”), which is attached as Exhibit A to the Declaration of
14 Class Counsel, David Yeremian, Esq., filed herewith;

15 2. Approving the form and method for providing class-wide notice and approving the
16 form and content of the parties’ proposed Amended Notice of Class Action Settlement (“Class
17 Notice”) for sending to the Settlement Class Members (provided at Exhibit 1 to the Settlement);

18 3. Directing that notice of the proposed settlement be given to the proposed settlement
19 class;

20 4. Appointing Plaintiff Diego Ornelas as Class Representative for settlement purposes
21 only;

22 5. Appointing David Yeremian and Alvin B. Lindsay of David Yeremian &
23 Associates, Inc. and Emil Davtyan and the Davtyan Law Firm as Class Counsel for settlement
24 purposes only; and

25 6. Scheduling a Final Approval hearing date to consider the parties’ request for Final
26 Approval of the proposed Settlement and Plaintiff’s application for attorneys’ fees and expenses.

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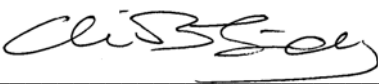
1 7. Pursuant to Labor Code § 2699.3(b)(4), the parties also seek approval of the
2 proposed settlement’s allocation of funds to claims made under Labor Code §§ 2698, *et seq.*, the
3 Private Attorneys General Act of 2004 (“PAGA”).

4 This Motion is made on the grounds that after good-faith, arm’s length negotiations, the
5 parties have agreed upon a Settlement which is fair, reasonable, and adequate and in the best
6 interests of the Class and all parties. The parties have conferred and amended the Settlement and
7 Notice and motion documents to remedy the Court’s items to address from its Order entered
8 September 15, 2020. Defendants do not oppose the present Motion, as they did not oppose the
9 prior one. This Notice of Motion and Motion is also based on the fact that this Settlement was the
10 product of informed, non-collusive negotiations by the parties who were represented by
11 experienced and able counsel. *See Dunk v. Ford Motor Co.* (1996) 48 Cal. App. 4th 1794, 1802;
12 Manual for Complex Litigation (Second) (1985) § 30.44. The proposed settlement meets the legal
13 standard for preliminary approval and is in the best interests of the Class; the proposed form of
14 notice explains the Settlement terms in a clear and straightforward manner; the proposed
15 procedures for notice provide the best practical notice to the Class; and Class members will have
16 an opportunity to participate in and/or object to the settlement and/or opt-out of the settlement.

17 This Motion is based upon this Notice of Motion, the accompanying Memorandum of
18 Points and Authorities, the Declarations of class counsel David Yeremian and Alvin B. Lindsay
19 and Plaintiff Diego Ornelas submitted with this Motion, the [Proposed] Order granting the Motion,
20 the amended and original Settlement Agreement and Notice and the original motion for
21 preliminary approval documents, the Court’s record of this action, all matters of which the Court
22 may take notice, and upon such oral or documentary evidence as the Court may receive at or
23 before the hearing on this unopposed Motion.

24 DATED: April 21, 2021

DAVID YEREMIAN & ASSOCIATES, INC.

25 By 
26 David Yeremian
27 Alvin B. Lindsay
28 Attorneys for Plaintiff Diego Ornelas
and the Settlement Class