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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. Ethan P. Schulman  
Dept.: 302, Civic Center Courthouse

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

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

Date: August 19, 2020  
Time: 9:30 a.m.  
Department 302

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

**07/28/2020**  
Clerk of the Court

BY: JUDITH NUNEZ  
Deputy Clerk

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

2 PLEASE TAKE NOTICE that on **August 19, 2020** at 9:30 a.m., or as soon thereafter as  
3 this matter may be heard, in Department 302 of the above entitled Civic Center Courthouse,  
4 located at 400 McAllister St., San Francisco, CA 94102-4514, Plaintiff DIEGO ORNELAS  
5 (“Plaintiff”), on behalf of himself and all other similarly situated employees of Defendants,  
6 NATIONAL STORAGE AFFILIATES TRUST (“NSAT”), INTANDEM HUMAN  
7 RESOURCES, LLC (“InTandem”), STORAGE MANAGEMENT AND LEASING CO., LLC  
8 (“SMLC”), and ISTOREAGE JV, LLC (“iStorage”) (collectively, “Defendants”) (with Plaintiff,  
9 “the parties”) will and hereby does move this Court pursuant to California Code of Civil Procedure  
10 § 382 and 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’ Stipulation for Settlement and Release of Class and Representative Action  
13 Claims (“Settlement Agreement”), which is attached as Exhibit A to the Declaration of Class  
14 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 Notice of Class Action Settlement (“Class Notice”) for  
17 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.

27  
28

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. Defendants do not oppose the Motion. This Notice of Motion  
7 and Motion is also based on the fact that this Settlement was the product of informed, non-  
8 collusive negotiations by the parties who were represented by experienced and able counsel. *See*  
9 *Dunk v. Ford Motor Co.* (1996) 48 Cal. App. 4th 1794, 1802; Manual for Complex Litigation  
10 (Second) (1985) § 30.44. The proposed settlement meets the legal standard for preliminary  
11 approval and is in the best interests of the Class; the proposed form of notice explains the  
12 Settlement terms in a clear and straightforward manner; the proposed procedures for notice  
13 provide the best practical notice to the Class; and Class members will have an opportunity to  
14 participate in and/or object to the settlement and/or opt-out of the settlement.

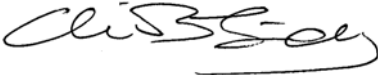
15           This Motion is based upon this Notice of Motion, the accompanying Memorandum of  
16 Points and Authorities, the Declarations of David Yeremian and Alvin B. Lindsay submitted with  
17 this Motion, the [Proposed] Order granting the Motion, the Court’s record of this action, all  
18 matters of which the Court may take notice, and upon such oral or documentary evidence as the  
19 Court may receive at or before the hearing on this unopposed Motion.

20           Given the status of the Court’s closures and other measures taken in the wake of the  
21 COVID-19 pandemic, Counsel for the parties also respectfully request the Court’s approval to  
22 appear telephonically at the hearing on the motion for preliminary approval scheduled for **August**  
23 **19, 2020.**

24 DATED: July 27, 2020

DAVID YEREMIAN & ASSOCIATES, INC.

25  
26 By \_\_\_\_\_

  
David Yeremian  
Alvin B. Lindsay  
Attorneys for Plaintiff Diego Ornelas  
and the Settlement Class