

2 Randall B. Aiman-Smith #124599

3 Reed W.L. Marcy #191531

4 Hallie Von Rock #233152

5 Carey A. James #269270

6 Brent A. Robinson #289373

7 7677 Oakport St. Suite 1150

8 Oakland, CA 94621

9 T 510.817.2711

10 F 510.562.6830

11 hvr@asmlawyers.com

12 bar@asmlawyers.com

13 Ethan Preston (263295)

14 PRESTON LAW OFFICES

15 4054 McKinney Avenue, Suite 310

16 Dallas, Texas 75204

17 (972) 564-8340 (telephone)

18 (866) 509-1197 (facsimile)

19 ep@eplaw.us

20 *Attorneys for Angelica Cosio and the Certified Class*

21 **Additional Counsel Listed on Next Page*

22 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

23 **FOR THE CITY AND COUNTY OF SAN FRANCISCO**

24 ANGELICA COSIO, an individual,
25 on her own behalf and on behalf of all
26 others similarly situated,

27 Plaintiff,

28 v.

INTERNATIONAL PERFORMING
ARTS ACADEMY, LLC, a
California limited liability company,
BARBIZON SCHOOL OF SAN
FRANCISCO, INC., a California
corporation, LION MANAGEMENT
GROUP INC., a California
corporation, ANTHONY LOUIS
LIONETTI, LARRY D. LIONETTI,
LENA QUESADA LIONETTI,
LENA M. LIONETTI, and DOES 1-
100, inclusive,

Defendants.

Case No. CGC-16-551337

**NOTICE OF MOTION AND MOTION BY
CERTIFIED CLASS FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

The Honorable Anne-Christine Massullo
Department 304
Civic Center Courthouse
400 McAllister Street
San Francisco California 94102

Date: March 23, 2020
Time: 11:00 a.m.

Complaint Filed: April 6, 2016

1 Zack Broslavsky (241736)
Jonathan A. Weinman (256553)
2 BROSLAVSKY & WEINMAN, LLP
1500 Rosecrans Ave., Suite 500
3 Los Angeles, CA 90266
(310) 575-2550 (telephone)
4 (310) 464-3550 (facsimile)
zbroslavsky@bwcounsel.com
5 jweinman@bwcounsel.com

6 David C. Parisi (162248)
Suzanne Havens Beckman (188814)
7 PARISI & HAVENS LLP
212 Marine Street, Suite 100
8 Santa Monica, California 90405
(818) 990-1299 (telephone)
9 (818) 501-7852 (facsimile)
10 dcparsi@parisihavens.com
shavens@parisihavens.com

11 *Attorneys for Plaintiff Angelica Cosio and the Certified Class*
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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT at 11:00 a.m. on Monday, March 23, 2020, in
3 Department 304 of this Court, at the Civic Center Courthouse, 400 McAllister Street, San
4 Francisco, California 94102, before the Honorable Anne-Christine Massullo, or whomever
5 may sit in her stead, Plaintiff Angelica Cosio (“Plaintiff”) shall, and hereby does, move the
6 Court for an order granting preliminary approval of a proposed settlement entered into between
7 Plaintiff, in her capacity as court-appointed representative of the certified class, and
8 Defendants International Performing Arts Academy, LLC (“IPAA”), Barbizon School of San
9 Francisco, Inc. (“Barbizon”), Lion Management Group, Inc. (“Lion”), Larry D. Lionetti and
10 Lena Q. Lionetti, (collectively, “Defendants”).

11 Plaintiff so moves on the grounds that the proposed settlement is fair, made in good
12 faith, and falls squarely within the “range of reasonableness” for possible approval, such that it
13 is worthwhile to issue notice to the certified class of the terms and conditions of the proposed
14 settlement, and to set a formal fairness hearing pursuant to California Rule of Court 3.769.

15 Plaintiff specifically seeks an order:

- 16 1. Finding the proposed terms and conditions of settlement to be fair, reasonable,
17 and adequate under the circumstances, such that it is within the range of
18 reasonableness for possible approval at the Final Approval Hearing;
- 19 2. Finding that the proposed form and method of notice to the certified class is
20 adequate to Due Process, the California Rule of Court 3.769(f), and all other
21 applicable law;
- 22 3. Providing a procedure for Class Members to exclude themselves from the
23 proposed settlement, with a postmark deadline of 26 court days prior to the Final
24 Approval Hearing for Class Members to submit a valid request to exclude
25 themselves, after which no Class Member shall be allowed to opt-out of the
26 proposed settlement;
- 27 4. Providing a procedure for Class Members to object to the proposed settlement,
28 with a postmark deadline of 26 court days prior to the Final Approval Hearing

1 for Class Members to submit a valid objection, after which no Class Member
2 shall be allowed to object to the proposed settlement or take an appeal from Final
3 Approval;

- 4 5. Designating a Settlement Administrator, holding that its services are, in part, for
5 Defendants' benefit, and providing that in the event the settlement fails or is
6 terminated by the parties, then there shall be no claim to the recovery of any
7 funds by that time already distributed from the Settlement Fund;
- 8 6. Directing Defendants to review all available records containing contact
9 information for Class Members, to provide Class Counsel with all documents
10 sufficient to assemble complete contact information for each Class Member, and
11 to provide Class Counsel and the Settlement Administrator with the names,
12 addresses, telephone numbers, and email addresses within their possession,
13 custody, or control for Class Members within 10 days;
- 14 7. Directing Defendants to submit further financial disclosures under penalty of
15 perjury to the Court under seal on such intervals as the Court may require;
- 16 8. Designating a *Cy Pres* Recipient who may receive a portion of the Settlement
17 Fund following completion of all other disbursements required by the proposed
18 settlement;
- 19 9. Setting the Final Approval hearing not less than 120 days after entry of
20 Preliminary Approval;
- 21 10. Ordering briefing on Final Approval according to statutory deadlines, except that
22 Plaintiff shall file her Incentive Award Application and Fee Application on or
23 before 36 court days prior to the Final Approval hearing;
- 24 11. Staying all other actions, proceedings, or litigation which impair or threaten to
25 impair the Court's jurisdiction over the modification, interpretation,
26 administration, implementation, effectuation and enforcement the proposed
27 settlement, including any such action by the parties or other Class Members; and
28

1 12. Making such further findings and orders as are necessary to effectuate the terms
2 of the proposed settlement.

3 This motion is based upon this Notice of Motion and Motion; the accompanying
4 Memorandum of Points and Authorities; the accompanying Declaration of Brent A. Robinson;
5 the accompanying Proposed Order; the complete file and records in this action; any oral
6 argument and other evidence presented prior to or at any hearing on this matter; evidence of
7 which the Court may or must take judicial notice; and any other evidence that the Court may
8 wish to consider.

9
10 February 26, 2020

AIMAN-SMITH & MARCY
PROFESSIONAL CORPORATION

11 /s/ Brent A. Robinson

12 _____
Brent A. Robinson

13 *Attorneys for Plaintiff Angelica Cosio and*
14 *The Certified Class*