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Attorneys for Plaintiffs Rachelle Erratchu
and Class Members

FILED
Superior Court of California
County of Los Angeles

JUL 31 2015

Sherril R. Carter, Executive Officer/Clerk
By Shaunya Bolden Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

RACHELLE ERRATCHU, individually, and
on behalf of other members of the general
public similarly situated,

Plaintiffs,

vs.

FTD.COM INC., a Delaware corporation; and
DOES 1 through 10, inclusive,

Defendants.

Case Number: *BC 589687*

[Assigned for all purposes to the Hon.
TBD]

**NOTICE OF MOTION AND
MOTION FOR AN ORDER:
(1) PRELIMINARILY APPROVING
CLASS ACTION SETTLEMENT;
(2) CONDITIONALLY CERTIFYING
CLASS; (3) APPROVING FORM AND
METHODS OF CLASS NOTICE;
AND (4) SCHEDULING FINAL
APPROVAL OF SETTLEMENT**

[Memorandum of Points & Authorities;
Declaration of Shawn C. Westrick filed
concurrently herewith; [Proposed] Order
lodged concurrently herewith]

Date: August 25, 2015
Time: 8:30 a.m.
Dept.: TBD

Complaint Filed: July 31, 2015

FILED
LEA/DEF#: BC589687
RECEIPT #: CCH465980080
DATE PAID: 07/31/15 03:07 PM
PAYMENT: \$60.00 310
RECEIVED:
CHECK: \$60.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

08/03/2015

1 **TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** that on August 25, 2015 at 8:30 a.m. in the Courtroom
3 assigned to this matter of the above-captioned court, which is located at 600 S. Commonwealth
4 Ave., Los Angeles 90005, Plaintiff Rachelle Erratchu (“Plaintiff”) will, and hereby does, move
5 for an order granting preliminary approval of a class action settlement.

6 Plaintiff hereby moves this Court for entry of the Order, lodged concurrently herewith;

- 7 1) Preliminarily approving the Settlement Agreement, filed concurrently herewith;
- 8 2) Preliminarily certifying, for purposes of settlement only, the class as defined in the
9 Settlement Agreement;
- 10 3) Holding that the procedures for notifying the Class about the settlement as
11 described in the Settlement Agreement provides the best notice practicable under
12 the circumstances and therefore meet the requirements of due process and
13 directing emailing of the Class Notice;
- 14 4) Preliminarily appointing Plaintiff Rachelle Erratchu as Class Representative;
- 15 5) Preliminarily appointing Kawahito Shraga & Westrick LLP as Class Counsel;
- 16 6) Preliminarily approving the payment of an enhancement award of \$2,500 to
17 Plaintiff Rachelle Erratchu;
- 18 7) Preliminarily approving the payment of attorneys’ fees and litigation costs to Class
19 Counsel; and
- 20 8) Approving the timing for claims set forth in the Settlement Agreement and setting
21 a date for the Final Fairness Hearing.

22 This Motion will be based upon this Notice, the Memorandum of Points and Authorities,
23 the Declaration of Shawn C. Westrick, the Proposed Order, the pleadings and papers on file
24 herein, and upon any other matters that may be presented to this Court at the hearing. This
25 Motion is unopposed by Defendant.

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08 / 03 / 2015

1 Dated: July 31, 2015

Respectfully Submitted,

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4 By: 

SHAWN WESTRICK
KAWAHITO SHRAGA & WESTRICK LLP
Attorneys for Plaintiffs/Class Members

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08/03/2015

1 **PROOF OF SERVICE**

2 I am employed in the **County of Los Angeles, State of California**. I am over the age of
3 18 and not a party to this action; my current business address is **1990 S. Bundy Dr., Ste. 280**
4 **Los Angeles, CA 90025**

4 On **July 31, 2015**, I served the foregoing document(s) described as:

5 **NOTICE OF MOTION AND MOTION FOR AN ORDER: (1) PRELIMINARILY**
6 **APPROVING CLASS ACTION SETTLEMENT; (2) CONDITIONALLY**
7 **CERTIFYING CLASS; (3) APPROVING FORM AND METHODS OF CLASS**
8 **NOTICE; AND (4) SCHEDULING FINAL APPROVAL OF SETTLEMENT**

8 on the interested parties in this action as follows:

9 X BY THE FOLLOWING MEANS:

10 I placed an original enclosed in sealed envelope(s) addressed as follows:

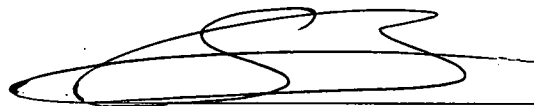
11 Jason C. Wright, Esq.
12 JONES DAY
13 555 S. Flower St., 50th Floor
14 Los Angeles, CA 90071

15 x BY HAND DELIVERY: I engaged Elite Attorney & Messenger Service to deliver the
16 above referenced document(s) **by hand** to the above listed addressee(s).

17 x Executed on **July 31, 2015**, at **Los Angeles, California**.

18 x I declare under penalty of perjury under the laws of the State of California that
19 the above is true and correct.

20 x I declare that I am employed in the office of a member of the bar of this court at
21 whose direction the service was made.

22 

23 **Sebastian Burnside**

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08/03/2015