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21 Attorneys for Plaintiffs GRANT CAIN and DEBORAH CAIN,
22 on behalf of themselves and all others similarly situated

23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
24 **COUNTY OF ORANGE – CIVIL COMPLEX CENTER**

25 MADLEN DYE, an individual; GRANT
26 CAIN, an individual; DEBORAH CAIN, an
27 individual, on behalf of themselves and all
28 others similarly situated,

Plaintiffs,

vs.

RICHMOND AMERICAN HOMES OF
CALIFORNIA, INC., a Corporation;
M.D.C. HOLDINGS, INC., a Corporation;
PLUMBING CONCEPTS, INC., a
Corporation; MUELLER INDUSTRIES,
INC., a Corporation; and DOES 1-100,

Defendants.

AND RELATED CROSS-CLAIMS.

CASE NO. 30-2013-00649460-CU-CD-CXC
Assigned for all purposes to:
Judge Peter Wilson
Dept. CX-101

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT,
ATTORNEYS' FEES & COSTS, AND
INCENTIVE AWARDS**

Hearing Date: February 23, 2023

Time: 2:00 p.m.

Dept.: CX-101

Complaint Filed: 05/09/2013

[Memoranda of Points & Authorities in Support
of Final Approval and of Fee Award,
Declarations of Richard Kellner, Michael
Artinian, Patrick McNicholas, Deborah Cain,
Grant Cain, and Makenna Snow, Compendium
of Exhibits, all filed concurrently herewith.]

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

2 **PLEASE TAKE NOTICE** that on **February 23, 2023, at 2:00 p.m.**, or as soon thereafter as
3 the matter may be heard in Department CX-101 of the above-entitled Court, located at 751 West
4 Santa Ana Blvd., Santa Ana, California 92701, Plaintiffs DEBORAH and GRANT CAIN
5 (“Plaintiffs” or “Named Plaintiffs”) hereby move this Court an Order: (1) granting final approval of
6 this class action settlement, (2) for the entry of a Final Order and Judgment consistent with the terms
7 of the Class Action Settlement entered into by the Parties, subject to Court approval (“Settlement
8 Agreement”), (3) for approval of attorneys’ fees and costs, and (4) an incentive award for the class
9 representatives.

10 This Motion is made pursuant to Rule 3.769 of the California Rules of Court, which provides
11 for court approval of the settlement of a class action. The basis for this Motion is that the proposed
12 Settlement is fair, adequate, and reasonable and in the best interests of the Settlement Class as a
13 whole, and that the procedures proposed were adequate to ensure the opportunity of the proposed
14 Settlement Class Members to participate in, opt out of, or object to the settlement.

15 This Motion will be based on this Notice of Motion and motion, the Memorandum of Points
16 and Authorities in Support of Final Approval of the Settlement, the Memorandum of Points and
17 Authorities in Support of Class Counsel Fees and Costs, Administrator Fees and Incentive Awards,
18 the Declarations of Richard Kellner, Michael Artinian, Patrick McNicholas, Deborah and Grant Cain,
19 and Makenna Snow, Compendium of Exhibits, the Class Action Settlement Agreement and the
20 attached exhibits thereto (**Exhibit A** to the Compendium), files and documents filed with this Court,
21 and upon such further oral and/or documentary evidence and argument as may properly be presented
22 to the Court at the time of the hearing on this matter.

23 Dated: January 27, 2023

BRIDGFORD, GLEASON & ARTINIAN
KABATECK LLP
McNICHOLAS & McNICHOLAS LLP

24
25 By: /s/ Richard L. Kellner /s/ Michael H. Artinian

26 Richard L. Kellner & Michael H. Artinian
27 Attorneys for Plaintiffs

PROOF OF SERVICE
Dye v. Richmond American Homes, et al.
Orange County Superior Court Case No.: 30-2013-00649460

I, the undersigned, declare that:

I am over the age of 18 years and not a party to the within action. I am employed in the County where the Proof of Service was prepared and my business address is Law Offices of BRIDGFORD, GLEASON & ARTINIAN, 26 Corporate Plaza, Suite 250, Newport Beach, CA 92660.

On the date set forth below, I served the following document(s): **PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT, ATTORNEYS' FEES & COSTS, AND INCENTIVE AWARDS** on the interested party(s):

SEE ATTACHED SERVICE LIST

by the following means:

- BY MAIL:** By placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid. I am readily familiar with the business practice for collecting and processing correspondence for mailing. On the same day that correspondence is processed for collection and mailing it is deposited in the ordinary course of business with the United States Postal Service in Newport Beach, California to the address(es) shown herein.
- BY PERSONAL SERVICE:** By placing a true copy thereof, enclosed in a sealed envelope, I caused such envelope to be delivered by hand to the recipients herein shown (as set forth on the service list).
- BY OVERNIGHT DELIVERY:** I served the foregoing document by Overnight Delivery as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to recipients shown herein (as set forth on the service list), with fees for overnight delivery paid or provided for.
- BY ELECTRONIC MAIL (EMAIL):** I caused a true copy thereof sent via email to the address(s) shown herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 30, 2023

/s/Debbie Knipe
Debbie Knipe

SERVICE LIST

Dye v. Richmond American Homes, et al.

Orange County Superior Court Case No.: 30-2013-00649460

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