

1 ERIC B. KINGSLEY, Bar No. 185123  
eric@kingsleykingsley.com  
2 LIANE KATZENSTEIN LY, Bar No. 259230  
liane@kingsleykingsley.com  
3 KINGSLEY & KINGSLEY, APC  
16133 Ventura Boulevard, Suite 1200  
4 Encino, CA 91436  
Telephone: (818) 990-8300  
5 Facsimile: (818) 990-2903

6 JOSHUA M. DAVID (*Admitted Pro Hac Vice*)  
jdavid@davidkampfrank.com  
7 NICHOLAS A. NUNES (*Admitted Pro Hac Vice*)  
nanunes@davidkampfrank.com  
8 DAVID, KAMP & FRANK, L.L.C.  
739 Thimble Shoals Boulevard, Suite 105  
9 Newport News, VA 23606  
Telephone: (757) 595-4500  
10 Facsimile: (757) 595-6723

11 Attorneys for Plaintiffs  
NICHOLAS SELBE, DANIEL GHYCZY,  
12 MAKAE LA O'CONNELL, and ANNIYA LOUIS,  
on behalf of themselves and all others similarly situated  
13

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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION  
18

19 NICHOLAS SELBE, DANIEL GHYCZY,  
20 MAKAE LA O'CONNELL, and ANNIYA  
LOUIS on behalf of themselves and others  
similarly situated,

21 Plaintiffs,

22 v.

23 PEAK CAMPUS MANAGEMENT, LLC,

24 Defendant.  
25  
26

Case No. 3:14-cv-3238-MMC

**PLAINTIFFS' NOTICE AND MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS AND COLLECTIVE ACTION  
SETTLEMENT**

Date: December 18, 2015  
Time: 9:00 a.m.  
Judge: Hon. Maxine M. Chesney  
Location: Courtroom 7

Complaint filed: July 17, 2014  
Trial date: Not set

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**PLEASE TAKE NOTICE THAT**, on December 18, 2015 at 9:00 a.m., or as soon thereafter as counsel may be heard, Plaintiffs Nicholas Selbe, Daniel Ghyczy, Makaela O’Connell, and Anniya Louis (“Named Plaintiffs”), on behalf of themselves and others similarly situated, by and through counsel, will move and hereby do move the Court to appoint Named Plaintiffs as Class Representatives for settlement purposes only, to conditionally certify the class for settlement purposes only, to preliminarily approve the proposed settlement reached between Plaintiffs and Defendant Peak Campus Management, LLC, to authorize the mailing of notice to the Settlement Class and to approve the opt-out and objection procedures provided in the notice, and to schedule a final approval hearing date all as more particularly described in the Memorandum of Points and Authorities filed herewith and the parties’ Settlement Agreement. A proposed Order is attached hereto as Exhibit A.

Dated: November 20, 2015

KINGSLEY & KINGSLEY

/s/ Eric B. Kingsley  
ERIC B. KINGSLEY  
LIANE KATZENSTEIN LY  
Attorneys for Plaintiffs  
NICHOLAS SELBE, DANIEL GHYCZY,  
MAKAELA O’CONNELL, AND ANNIYA  
LOUIS

Dated: November 20, 2015

DAVID, KAMP & FRANK, L.L.C.

/s/ Joshua M. David  
JOSHUA M. DAVID  
NICHOLAS A. NUNES  
Attorneys for Plaintiffs  
NICHOLAS SELBE, DANIEL GHYCZY,  
MAKAELA O’CONNELL, AND ANNIYA  
LOUIS

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I, Joshua M. David, am the ECF User whose identification and password are being used to file this Notice of Motion and Unopposed Motion for Preliminary Approval of Settlement. In compliance with Local Rule 5-1(i)(3), I hereby attest that all signatories hereto concurred in and authorized this filing.

By:           /s/ Joshua M. David

1 ERIC B. KINGSLEY, Bar No. 185123  
eric@kingsleykingsley.com  
2 LIANE KATZENSTEIN LY, Bar No. 259230  
liane@kingsleykingsley.com  
3 KINGSLEY & KINGSLEY, APC  
16133 Ventura Boulevard, Suite 1200  
4 Encino, CA 91436  
Telephone: (818) 990-8300  
5 Facsimile: (818) 990-2903

6 JOSHUA M. DAVID (*Admitted Pro Hac Vice*)  
j david@davidkampfrank.com  
7 NICHOLAS A. NUNES (*Admitted Pro Hac Vice*)  
nanunes@davidkampfrank.com  
8 DAVID, KAMP & FRANK, L.L.C.  
739 Thimble Shoals Boulevard, Suite 105  
9 Newport News, VA 23606  
Telephone: (757) 595-4500  
10 Facsimile: (757) 595-6723

11 Attorneys for Plaintiffs  
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12 MAKAE LA O'CONNELL, and ANNIYA LOUIS,  
on behalf of themselves and all others similarly  
13 situated

14 *Counsel Continued on Next Page*

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

17 NICHOLAS SELBE, DANIEL  
18 GHYCZY, MAKAE LA  
O'CONNELL, and ANNIYA LOUIS  
19 on behalf of themselves and others  
similarly situated,

20 Plaintiffs,

21 v.

22 PEAK CAMPUS MANAGEMENT,  
23 LLC,

24 Defendant.

Case No. 3:14-cv-3238-MMC

**[PROPOSED] ORDER REGARDING  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS AND  
COLLECTIVE ACTION  
SETTLEMENT**

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ELIZABETH STAGGS WILSON, Bar No. 183160  
estaggs-wilson@littler.com  
LITTLER MENDELSON, P.C.  
633 West 5th Street, 63rd Floor  
Los Angeles, CA 90071  
Telephone: (213) 443-4300  
Facsimile: (213) 443-4299

SHANNON R. BOYCE, Bar No. 229041  
sboyce@littler.com  
FATEMEH MASHOUF, Bar No. 288667  
fmashouf@littler.com  
LITTLER MENDELSON, P.C.  
2049 Century Park East, 5th Floor  
Los Angeles, CA 90067  
Telephone: (310) 712-7304  
Facsimile: (310) 553-5583

Attorneys for Defendant  
PEAK CAMPUS MANAGEMENT, LLC

**[PROPOSED] ORDER**

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3 Plaintiff's unopposed Motion for Preliminary Approval of Class and Collective  
4 Action Settlement ("Motion") came on regularly for hearing on December 18, 2015, at  
5 9:00 a.m., in the United States District Court for the Northern District of California,  
6 the Honorable Maxine M. Chesney presiding. All parties were represented by counsel.

7 Having considered the memoranda and declarations, oral arguments of counsel,  
8 and the relevant statutory and case law, the Court GRANTS Plaintiff's Motion and  
9 orders and finds as follows:

10 1. The Parties' proposed Stipulated Settlement Agreement of Class Action  
11 Claims and the Class Settlement Notices and Claim Form attached thereto as Exhibits  
12 C, D, and E, filed November 20, 2015 ("Settlement") (Docket No. \_\_), are  
13 preliminarily approved.

14 2. The following Class and Collective Action is certified for settlement  
15 purposes only pursuant to Federal Rules of Civil Procedure 23 and 29 U.S.C.  
16 § 216(b):

17 All persons who have submitted a "Consent to Join Collective Action"  
18 in the instant Lawsuit prior to June 1, 2015 ("Opt-In Class Members")  
19 and all individuals employed in the State of California between  
20 January 1, 2011 and August 1, 2014 who were employed in any of the  
21 following "Covered Positions": All Star; Community Advisor;  
22 Community Assistant; Leasing All-Star; Work for Rent Leasing All-  
Star; or any combination thereof ("California Class Members")  
(collectively, "Class Members").

23 3. Plaintiffs' attorneys, Joshua M. David of David, Kamp & Frank, L.L.C.  
24 and Eric B. Kingsley of Kingsley & Kingsley, APC are appointed Class Counsel, and  
25 Nicholas Selbe, Daniel Ghyczy, Makaela O'Connell, and Anniya Louis are appointed  
26 as the Class Representatives.

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4. Simpluris is appointed as the Settlement Administrator.

5. No later than \_\_\_\_\_, Defendant, with the input from Class Counsel contemplated in the Settlement, will provide the Class List to the Settlement Administrator.

6. No later than \_\_\_\_\_, Class Counsel shall file, serve, and submit for posting on the Settlement Administrator’s website their motion for attorneys’ fees, litigation costs, and Enhancement Awards.

7. On \_\_\_\_\_, the Settlement Administrator shall send to the Class Members via United States First Class Mail and, where available, electronic mail, the Court-approved Class Settlement Notices, in the form that is attached hereto as **Exhibit 1**.

8. [30 days after mailing date] is the deadline for Class Members to postmark and send to the Court written objections to the Settlement and for California Non-FLSA Class Members (as defined in the Settlement) to postmark and send to the Settlement Administrator written requests for exclusion.

9. [60 days after mailing date] is the deadline for California Non-FLSA Class Members (as defined in the Settlement) to postmark and send Claim Forms to the Settlement Administrator.

10. No later than \_\_\_\_\_, Class Counsel shall file and serve their motion for Final Approval of Class and Collective Action Settlement and the parties shall file responses to any objections.

11. The final approval hearing is set for \_\_\_\_\_ at \_\_\_:\_\_\_ a.m./p.m.; and

12. The settlement is deemed filed as of the date of preliminary approval for purposes of providing notice to the appropriate officials pursuant to 28 U.S.C. § 1715.

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**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2015

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MAXINE M. CHESNEY  
United States District Judge