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Attorneys for Plaintiff EDUARDO YBARRA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

EDUARDO YBARRA, an individual, on
behalf of himself and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

HELZBERG'S DIAMOND SHOPS, LLC, a
Missouri Limited Liability Company; and
DOES 1-50, Inclusive;

Defendants.

Case No. 21CV003531

**NOTICE OF MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: October 4, 2022

Time: 3:00 p.m.

Reservation ID: 978588771577

Judge: Hon. Brad Seligman

Dept.: 23

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on October 4, 2022, at 3:00 p.m., or as soon thereafter as counsel
3 may be heard, in Department 23 of the Alameda Superior Court, the Honorable Judge Brad Seligman
4 presiding, plaintiff EDUARDO YBARRA will, and hereby does, move this Court to:

5 1. Preliminarily approve the settlement described in the Joint Stipulation of Class and
6 Representative Action Settlement Agreement (“Agreement”) attached as Exhibit A to the Declaration
7 of Jean-Claude Lapuyade filed concurrently herewith;

8 2. Conditionally certify the Settlement Class;

9 3. Approve distribution of the proposed Notice of Settlement of Class and Representative
10 Action to the Settlement Class;

11 4. Appoint Plaintiff EDUARDO YBARRA as the Class Representative;

12 5. Appoint the JCL Law Firm, APC and Zakay Law Group, APLC as Class Counsel; and

13 7. Set a hearing date for final approval of the settlement.

14 This Motion is based upon: (1) this Notice of Motion and Motion; (2) the Memorandum of Points
15 and Authorities in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement;
16 (3) the Declaration of Jean-Claude Lapuyade, Esq.; (4) the Declaration of Shani O. Zakay, Esq.; (5)
17 the Declaration of Eduardo Ybarra; (6) the Joint Stipulation of Class and Representative Action
18 Settlement Agreement and exhibit attached thereto; (7) the [Proposed] Order Granting Preliminary
19 Approval of Class Action and PAGA Settlement and exhibits attached thereto; (8) the records,
20 pleadings, and papers filed in this action; and (9) upon such other documentary and oral evidence or
21 argument as may be presented to the Court at or prior to the hearing of this Motion.

22 As this Motion is unopposed, the Parties respectfully request relief from the page limit
23 requirement set by California Rules of Court, Rule 3.1113(d).

24 Dated: September 8, 2022

JCL LAW FIRM, APC

25 By: 
26 Jean-Claude Lapuyade
27 Attorneys for Plaintiff
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