

1 DAVID G. SPIVAK (SBN 179684)
david@spivaklaw.com
2 CAROLINE TAHMASSIAN (SBN 285680)
caroline@spivaklaw.com

3 THE SPIVAK LAW FIRM
4 8605 Santa Monica Blvd., PMB 42554
West Hollywood, CA 90069
5 Telephone: (213) 725-9094
6 Facsimile: (213) 634-2485

7 Attorneys for Plaintiff(s),
JOSE LOZANO SANDOVAL, and all others similarly situated
8 (Additional attorneys for Plaintiff(s) on following page)

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN BERNARDINO**
11 **(UNLIMITED JURISDICTION)**

13 JOSE LOZANO SANDOVAL, on behalf of
14 himself and all others similarly situated, and the
general public,

15 *Plaintiff,*

16 vs.

17 AMERICAN LANDSCAPE &
18 MAINTENANCE INC., a California corporation;
19 and DOES 1–50, inclusive,

20 *Defendants.*

Case No. CIVDS2011904

**PLAINTIFF JOSE LOZANO
SANDOVAL’S NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: December 20, 2022
Hearing Time: 10:00 a.m.
Hearing Dept.: S-26, The Honorable
David S. Cohn

Action filed: 5/29/2020
Trial Date:

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; and
3. [Proposed] Order



Employee Rights Attorneys
Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
15303 Ventura Bl
Ste 900
Sherman Oaks, CA 90403

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

WALTER L. HAINES (SBN 71075)
 walter@uelglaw.com
UNITED EMPLOYEES LAW GROUP
4276 Katella Ave., Suite 301
Los Alamitos, CA 90720
Telephone: (562) 256-1047
Facsimile: (562) 256-1006

Attorneys for Plaintiff(s),
JOSE LOZANO SANDOVAL, and all others similarly situated



SPIVAK LAW
Employee Rights Attorneys
Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
15303 Ventura Bl
Ste 900
Sherman Oaks, CA 90403

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

2 PLEASE TAKE NOTICE that on December 20, 2022, at 10:00 a.m., or as soon thereafter
3 as the matter may be heard, in Department S-26 of the San Bernardino County Superior Court,
4 located at San Bernardino District – Civil Division, 247 West Third Street, San Bernardino, CA
5 92415-0210, Plaintiff Jose Lozano Sandoval (“Plaintiff”) will and hereby does move this Court
6 for an order: (1) granting class certification of the Settlement Class solely for settlement purposes
7 pursuant to California Code of Civil Procedure section 382; (2) preliminarily approving the Joint
8 Stipulation of Class Action Settlement and Release of Claims (the “Settlement”)¹ between
9 Plaintiff and Defendant American Landscape & Maintenance Inc. (“Defendant”) (Plaintiff and
10 Defendant are collectively the “Parties); (3) appointing David Spivak of The Spivak Law Firm
11 and Walter L. Haines of United Employees Law Group as Class Counsel; (4) appointing Plaintiff
12 as Class Representative; (5) approving the use of the proposed notice procedures and related
13 forms; (6) directing that notice be mailed to the proposed Settlement Class; and (7) scheduling a
14 hearing date for motion for final approval of class action settlement and awards of attorneys’ fees
15 and costs.

16 The “Class,” “Settlement Class” or “Class Members” consists of all persons working for
17 Defendant as hourly, non-exempt employees in California at any time during the Class Period.
18 “Class Period” means the period of time from May 29, 2016, through November 3, 2021.

19 This Motion is made on the following grounds: (1) the Settlement Class meets all the
20 requirements for class certification for settlement purposes only under California Code of Civil
21 Procedure section 382; (2) Plaintiff and his counsel are adequate to represent the Settlement Class;
22 (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed claims in
23 view of Defendant’s potential liability exposure as compared against the risks of continued
24 litigation; (4) the proposed notice procedures and related forms adequately apprise the Class
25 Members of their rights under the Settlement and fully comport with due process; and (5) in view
26 of the foregoing, notice should be disseminated to the Class Members and a hearing date for

27 _____
28 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak (“DS”), which is
submitted herewith under a separate cover.



SPIVAK LAW

Employee Rights Attorneys
Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
15303 Ventura Bl
Ste 900
Sherman Oaks, CA 90403

1 motion for final approval of class action settlement, and awards of attorneys' fees and costs should
2 be set.

3 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
4 Points and Authorities, the Declaration of David Spivak, the Declaration of Walter L. Haines, all
5 papers and pleadings on file with the Court in this action, all matters judicially noticeable, and on
6 such oral and documentary evidence as may be presented in connection with the hearing on the
7 Motion.

8 Respectfully submitted,

9
10 THE SPIVAK LAW FIRM

11 Dated: August 19, 2022

12 By: 
13 DAVID G. SPIVAK,
14 CAROLINE TAHMASSIAN
15 SARA BROWN
16 Attorneys for Plaintiff, JOSE LOZANO
17 SANDOVAL, and all others similarly
18 situated
19
20
21
22
23
24
25



26 SPIVAK LAW

27 Employee Rights Attorneys
Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

28 Office:
15303 Ventura Bl
Ste 900
Sherman Oaks, CA 90403