

DAVID YEREMIAN & ASSOCIATES, INC.
David Yeremian (SBN 226337)
david@yeremianlaw.com
Alvin B. Lindsay (SBN 220236)
alvin@yeremianlaw.com
535 N. Brand Blvd., Suite 705
Glendale, California 91203
Telephone: (818) 230-8380
Facsimile: (818) 230-0308

Attorneys for Plaintiff Ovidio G. Gramajo Rodas
on behalf of himself and others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY ALAMEDA**

OVIDIO G. GRAMAJO RODAS, an
individual, on behalf of himself and others
similarly situated,

Plaintiff,

vs.

ANDREW CHEKENE ENTERPRISES,
INC., a California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: RG20057424

CLASS ACTION

Assigned for All Purposes To:
Hon. Stephen Kaus
Dept.: 19

**PLAINTIFF'S NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA ACTION SETTLEMENT
AGREEMENT AND RELEASE**

*[Filed concurrently with Memorandum of Points
and Authorities; Declarations of David
Yeremian, Alvin B. Lindsay, and Ovidio G.
Gramajo Rodas; and [Proposed] Order]*

Reservation ID 920889044547
Date: December 2, 2021
Time: 3:00 p.m.
Department 19

Original Complaint Filed: March 5, 2020
First Amended Complaint: May 13, 2020
Trial Date: None Set

1 **TO THE COURT AND DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on **December 2, 2021** at 3:00 p.m., or as soon thereafter as
3 this matter may be heard in Department 19 of the Alameda County Superior Court located at 1221
4 Oak Street, Oakland, CA 94612, Plaintiff OVIDIO G. GRAMAJO RODAS (“Plaintiff”), on behalf
5 of himself and all other similarly situated employees of Defendant ANDREW CHEKENE
6 ENTERPRISES, INC. (“Defendant”) (with Plaintiff, “the parties”), will and hereby does move
7 this Court pursuant to California Code of Civil Procedure § 382 and California Rule of Court 3.769
8 for an order as proposed:

9 1. Preliminarily approving the proposed class-wide settlement of this action as set
10 forth in the parties’ Class and PAGA Action Settlement Agreement and Release (“Settlement
11 Agreement”), which is attached as Exhibit A to the Declaration of Class Counsel, David
12 Yeremian, Esq., filed herewith;

13 2. Approving the form and method for providing class-wide notice and approving the
14 form and content of the parties’ proposed Notice of Class Action Settlement (“Class Notice”) for
15 sending to the Settlement Class Members (provided at Exhibit 1 to the Settlement);

16 3. Directing that notice of the proposed settlement be given to the proposed settlement
17 class;

18 4. Appointing Plaintiff as Class Representative for settlement purposes only;

19 5. Appointing David Yeremian and Alvin B. Lindsay of David Yeremian &
20 Associates, Inc. as Class Counsel for settlement purposes only; and

21 6. Scheduling a Final Approval hearing date to consider the parties’ request for Final
22 Approval of the proposed Settlement and Plaintiff’s application for attorneys’ fees and expenses.

23 7. Pursuant to Labor Code § 2699.3(b)(4), the parties also seek approval of the
24 proposed settlement’s allocation of funds to claims made under Labor Code §§ 2698, *et seq.*, the
25 Private Attorneys General Act of 2004 (“PAGA”).

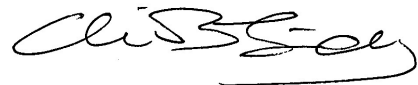
26 This Motion is made on the grounds that after good-faith, arm’s length negotiations, the
27 parties have agreed upon a Settlement which is fair, reasonable, and adequate and in the best
28 interests of the Class and all parties. Defendant does not oppose the Motion, and the Settlement

1 was the product of informed, non-collusive negotiations by the parties who were represented by
2 experienced and able counsel. *See Dunk v. Ford Motor Co.* (1996) 48 Cal. App. 4th 1794, 1802;
3 Manual for Complex Litigation (Second) (1985) § 30.44. The proposed settlement meets the legal
4 standard for preliminary approval and is in the best interests of the Class; the proposed form of
5 notice explains the Settlement terms in a clear and straightforward manner; the proposed
6 procedures for notice provide the best practical notice to the Class; and Class members will have
7 an opportunity to participate in and/or object to the settlement and/or opt-out of the settlement.

8 This Motion is based upon this Notice of Motion and Motion, the accompanying
9 Memorandum of Points and Authorities, the Declarations of David Yeremian, Alvin B. Lindsay,
10 and Ovidio G. Gramajo Rodas submitted with this Motion, the [Proposed] Order granting the
11 Motion, the Court's record of this action, all matters of which the Court may take notice, and upon
12 such oral or documentary evidence as the Court may receive at or before the hearing on this
13 unopposed Motion.

14
15 DATED: November 5, 2021

DAVID YEREMIAN & ASSOCIATES, INC.

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By

David Yeremian
Alvin B. Lindsay
Attorneys for Plaintiff Ovidio G. Gramajo
Rodas and the Settlement Class