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Attorneys for Plaintiff VIDALI ALEMAN,
on behalf of herself and others similarly situated

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

VIDALI ALEMAN, an individual on behalf
of herself and all others similarly situated,

Plaintiff,

vs.

MOONLIGHT PACKING CORPORATION,
a California corporation; MOONLIGHT
PACKING COMPANY, LLC, a California
limited liability company, and DOES 1
through 50, inclusive,

Defendants.

Case No.: 20CECG01196

CLASS ACTION

Assigned For All Purposes to
The Honorable Kristi Culver Kapetan

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR AN ORDER (1)
PRELIMINARILY APPROVING THE
CLASS ACTION SETTLEMENT; (2)
APPROVING NOTICE OF CLASS
ACTION SETTLEMENT; AND (3)
SETTING HEARING FOR FINAL
APPROVAL**

*[Filed concurrently with Plaintiff's
Memorandum of Points and Authorities;
Declaration of David Yeremian; Declaration of
Natalie Haritounian; Declaration of Vidali
Aleman; Declaration of Jarrett Gorlick; and
[Proposed] Order]*

Date: December 13, 2022
Time: 3:30 p.m.
Dept: 403

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

2 PLEASE TAKE NOTICE that on December 13, 2022 at 3:30 p.m., or as soon thereafter
3 as this matter may be heard, at Department 403, located at 1130 O Street, Fresno, California
4 93721, Plaintiff Vidali Aleman (“Plaintiff”), on behalf of herself and all persons similarly
5 situated, will and hereby moves this Court pursuant to California Code of Civil Procedure § 382
6 and California Rule of Court 3.769 for an order:

- 7 (1) Preliminarily approving the class action settlement reached between Plaintiff and
8 Defendant Moonlight Packing Corporation and Moonlight Packing Company LLC
9 (collectively “Defendants”), including granting preliminary approval of the following
10 class: “all current and former non-exempt packing employees who worked for
11 Defendants in California at any time between May 4, 2016 and January 19, 2021.”
12 (2) Approving the form of Notice of Class Action Settlement and procedure for notice to
13 the class; and
14 (3) Setting the final approval hearing.

15 Pursuant to Labor Code § 2699.3(b)(4), the Parties also seek approval of the proposed
16 settlement’s allocation of funds to claims made under the Labor Code Private Attorneys General
17 Act of 2004 (“PAGA”).

18 Pursuant to the proposed Joint Stipulation of Class Action Settlement (“Settlement” or
19 “Settlement Agreement”), filed concurrently herewith, Defendants do not oppose the preliminary
20 approval of the class action settlement.

21 Under the terms of the Settlement, the parties have agreed that all claims brought on
22 behalf of the Class Members shall be fully and finally resolved for the total sum of Nine Hundred
23 Thousand Dollars and Zero Cents (\$900,000.00) (“Gross Settlement Amount”) to be paid on a
24 non-reversionary basis. The amount remaining of the Gross Settlement Amount after the
25 following deductions have been made (“Net Settlement Amount”) shall be available for
26 distribution to Class Members who do not opt out of the settlement:

- 27 • not more than Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) to
28 Class Counsel for attorneys’ fees, and not more than Seventeen Thousand Dollars

1 and Zero Cents (\$17,000.00) in reasonable litigation costs;

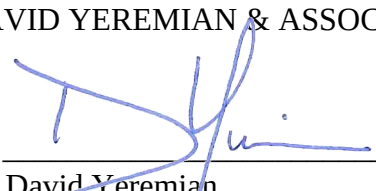
- 2 • not more than Fourteen Thousand Dollars and Zero Cents (\$14,000.00) for the
3 Settlement Administration Costs;
- 4 • not more than Five Thousand Dollars and Zero Cents (\$5,000.00) for a Class
5 Representative Enhancement Payment; and
- 6 • Thirty Thousand Dollars and Zero Cents (\$30,000.00) for civil penalties under the
7 PAGA, where 75% (\$22,500.00) will be paid to the LWDA and 25% (\$7,500.00)
8 will be included in the Net Settlement Amount and distributed to Settlement Class
9 Members).

10 This Notice of Motion and Motion is based on the fact that this is a fair and reasonable
11 settlement that benefits the class and was the product of informed, non-collusive negotiations by
12 the parties who were represented by experienced and able counsel. *See Dunk v. Ford Motor Co.*
13 (1996) 48 Cal. App. 4th 1794, 1802; Manual for Complex Litigation (Second) (1985)§ 30.44. The
14 proposed settlement meets the legal standard for preliminary approval and is in the best interests
15 of the class; the proposed form of notice explains the settlement terms in a clear and
16 straightforward manner; the proposed procedures for notice provide the best practical notice to
17 the class; and that Class Members will have an opportunity to participate in and/or object to the
18 settlement and/or opt-out of the settlement.

19 This Notice of Motion and Motion is based on this Notice, and the exhibits thereto
20 (including the Notice to Class Members), the accompanying Memorandum of Points and
21 Authorities, the Declarations of David Yeremian, Natalie Haritoonian, Vidali Aleman, and Jarrett
22 Gorlick, the pleadings, records and files in the case, and such other further oral and documentary
23 evidence which may be submitted at or before the hearing on this Motion.

24 Dated: November 17, 2022

DAVID YEREMIAN & ASSOCIATES, INC.

25
26 By 

David Yeremian
Attorneys for Plaintiff, VIDALI ALEMAN, on
behalf of herself and others similarly situated