

James R. Hawkins (SBN 192925)
Gregory E. Mauro (SBN 222239)
Christina M. Lucio (SBN 253677)
Mitchell J. Murray (SBN 285691)
JAMES HAWKINS APLC
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Attorneys for Plaintiffs THOMAS HARDWICK and CARA NOONE,
individually and on behalf of all others similarly situated.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

THOMAS HARDWICK and CARA
NOONE, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

HOOVESTOL, INC., a Minnesota
corporation; 10 ROADS EXPRESS, LLC,
a Delaware Limited Liability Company;
and DOES 1 through 10, inclusive,

Defendants.

Case No. 20STCV19610

Assigned for All Purposes to:
Hon. William F. Highberger

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

Date: April 12, 2024
Time: 10:30 a.m.
Dept: 10

Complaint Filed: May 21, 2020
FAC Filed: November 15, 2023

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2 TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:
3 PLEASE TAKE NOTICE that on April 12, 2024 at 10:30 a.m. in Department 10 of the Superior
4 Court of California, County of Los Angeles located at Spring Street Courthouse
5 312 North Spring Street, Los Angeles, CA 90012, or as soon thereafter as this matter can be heard,
6 Plaintiffs Thomas Hardwick and Cara Noone (collectively, "Plaintiffs") will move this Court for
7 an order:

8 1. Granting preliminary approval of the Settlement reached between Plaintiffs and
9 Defendants Hoovestol, Inc., and 10 Roads Express, LLC (collectively "Defendants") (together with
10 Plaintiffs, "the Parties"), the terms of which are set forth in the Class Action and PAGA Settlement
11 Agreement (the "Settlement Agreement" or the "Settlement");

12 2. Pursuant to California Code of Civil Procedure section 382, and for purposes of, and
13 solely in connection with, the Settlement, conditionally certifying, for settlement purposes only,
14 the Class as defined in the Settlement Agreement.

15 3. Finding the Parties' proposed Notice of Class Action Settlement ("Class Notice")
16 attached as Exhibit 1 to the supporting Declaration of James R. Hawkins ("Hawkins Declaration")
17 is the best means practicable of providing notice under the circumstances and when completed
18 according to the terms of the Settlement shall constitute due and sufficient notice of this action, the
19 Settlement, and the Final Approval Hearing to all persons affected by and/or authorized to
20 participate in the Settlement in full compliance with California Rule of Court 3.769, California
21 Code of Civil Procedure section 382, and the requirements of due process;

22 4. Approving the form and content of the proposed Class Notice and establishing a
23 schedule for the dissemination of the Class Notice to Settlement Class Members as well as the
24 deadlines for Settlement Class Members to object to or opt out in connection with the Settlement;

25 5. Approving ILYM Group, Inc. as the Settlement Administrator in this matter.

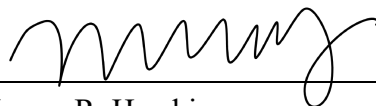
26 6. Granting the Preliminary Approval Order substantially in the form of the proposed
27 order submitted herewith.
28

1 7. Scheduling a hearing on final approval of the Settlement at which Settlement Class
2 Members may be heard, to determine all necessary matters concerning the Settlement Agreement,
3 including whether the Settlement is fair, adequate, and reasonable; whether this Court should grant
4 final approval; whether to grant Plaintiffs' Counsel's applications for awards of fees and costs; and
5 whether to grant Plaintiffs' application for a Class Representative Service Payment.

6 This motion is brought pursuant to California Rule of Court 3.769 and California Code of
7 Civil Procedure section 382, and is based on this Notice of Motion and Motion; the Memorandum
8 of Points and Authorities in support of the Motion; the Declaration of James R. Hawkins in Support
9 of Motion for Preliminary Approval; the Declaration of Plaintiff Thomas Hardwick in Support of
10 Motion for Preliminary Approval; the Declaration of Plaintiff Cara Noone in Support of Motion
11 for Preliminary Approval; all documents currently on file in this action; the arguments of counsel;
12 and such other and further evidence as the Court may choose to entertain.

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14 Dated: March 22, 2024

JAMES HAWKINS, APLC

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16 By: _____

17 James R. Hawkins
18 Gregory E. Mauro
19 Christina M. Lucio
20 Mitchell J. Murray

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28 Attorneys for Plaintiffs

PROOF OF SERVICE

I am a resident of the State of California, County of Orange. I am over the age of eighteen years and not a party to the within action. My business address is 9880 Research Drive., Suite 200, Irvine, California 92618.

On March 22, 2024, I served on the interested parties in this action the following document(s) entitled:

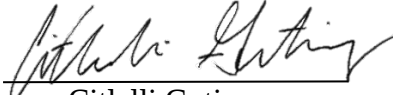
- **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**
-**DECLARATION OF JAMES R. HAWKINS IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**
-**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**
-**DECLARATION OF PLAINTIFF THOMAS HARDWICK IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**
-**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**
-**DECLARATION OF PLAINTIFF CARA MOONE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**

[XX] BY ELECTRONIC SERVICE: Based on a court Order or an agreement by the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from the email address citlalli@jameshawkinsaplc.com to the persons at the e-mail addresses listed in the Service List below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

SEE SERVICE LIST BELOW

[X] STATE: I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

Executed on March 22, 2024, at Irvine, California.


Citlalli Gutierrez

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SERVICE LIST

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ATTORNEYS FOR DEFENDANTS
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