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Attorneys for Plaintiff CHARLES YNIGUEZ,
individually and on behalf of all other similarly
situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

CHARLES YNIGUEZ, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

AIRGAS USA, LLC, a Delaware limited
liability corporation; AIRGAS
CARBONIC, INC., a Delaware
corporation; and DOES 1 through 20,
inclusive

Defendants .

CASE NO. 20STCV18190

[Assigned to Judge Elihu M. Berle, Dept. 6]

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

[Declaration of James Hawkins In Support of
Motion for Final Approval of Class Settlement
and Motion for Fees, Costs, and Incentive
Award; Memorandum of Points and Authorities;
Declaration of Plaintiff Charles Yniguez; and
[Proposed] Order filed concurrently herewith]

Preliminary Approval Date: September 8, 2022
Final Approval Hearing: January 23, 2023
Time: 9:00 A.M.
Dept: 6

Complaint Filed: May 8, 2020
FAC Filed: December 11, 2020
Trial Date: None

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

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4 **PLEASE TAKE NOTICE** that on January 23, 2023, at 9:00 a.m., or as soon thereafter
5 as this matter can be heard, in Department 6 of the Los Angeles County Superior Court located at
6 312 N Spring Street, Los Angeles, CA 90012, the Honorable Judge Elihu M. Berle presiding,
7 Plaintiff Charles Yniguez (“Plaintiff”) will, and hereby does move this Court for an order:

8 1. Granting final approval of the Class and PAGA Action Settlement and Release (the
9 “Settlement”) by and between Plaintiff, on behalf of himself and the conditionally certified Class,
10 and Defendants Airgas USA, LLC, and Airgas Carbonic, Inc. (together referred to as “Defendant”),
11 attached as **Exhibit 1** to the Declaration of James R. Hawkins in Support of Plaintiff’s Motion for
12 Final Approval of Class Action Settlement and Motion for Attorneys’ Fees, Costs, and Incentive
13 Award.

14 2. Finally approving the Settlement as fair, adequate, and reasonable;

15 3. Certifying the California Class for settlement purposes;

16 4. Granting the requested settlement administration expenses to the Settlement
17 Administrator, CPT Group, Inc., which has managed the settlement administration; and

18 5. Entering final judgment substantially in the form of the proposed order submitted
19 herewith.
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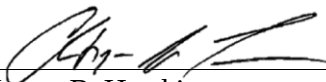
21 The Settlement has been successfully administered, and good cause exists for granting the
22 Motion and finding the Settlement and settlement administration expenses to be fair, reasonable,
23 and appropriate. This motion is brought pursuant to California Rule of Court 3.769 and California
24 Code of Civil Procedure section 382, and is based on this Notice of Motion and Motion; the
25 Memorandum of Points and Authorities in support of the Motion; the Declaration of Plaintiff
26 Charles Yniguez; the Declaration of Settlement Administrator of CPT Group [to be submitted after
27 notice process completed]; Declaration of James R. Hawkins; the [Proposed] Order Granting Final
28 Approval of Class and PAGA Action Settlement and Judgment; all documents currently on file in

1 this action including without limitation those submitted in support of preliminary approval; the
2 arguments of counsel; and such other and further documentary evidence and oral argument as may
3 be presented at or before the hearing on this motion, or as the Court may choose to entertain.
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5 This motion is set to be heard concurrently with Plaintiff's Motion for Attorneys' Fees and
6 Costs, and Class Representatives' Incentive Awards.

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8 Dated: November 14, 2022

Respectfully submitted,

9 By: 
10 James R. Hawkins
11 Christina M. Lucio
12 **JAMES HAWKINS, APLC**

13 Attorneys for Plaintiff Charles Yniguez individually
14 and on behalf of all other similarly situated
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