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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **IN AND FOR THE COUNTY OF SAN DIEGO**

15 OSCAR NOGUERA, VALERIE
16 CAMPOS FLORES, DANIEL
17 MARTINEZ, VERA, HOWARD and
18 EDMUNDO FLORES, individuals, on
19 behalf of themselves, and on behalf of all
20 persons similarly situated,

21 Plaintiff,

22 vs.

23 METAL CONTAINER
24 CORPORATION, a California
25 Corporation; and Does 1 through 50,
26 inclusive,

27 Defendants.

Case No. RIC2003235

consolidated with RIC2004156

**NOTICE OF MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: March 30, 2022

Hearing Time: 8:30 a.m.

Reservation ID: 024028159622

Dept.: 6

Judge: Hon. Sunshine S. Sykes

Action Filed: August 17, 2020

28 **TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

YOU ARE HEREBY NOTIFIED THAT on March 30, 2022 at 8:30 a.m., in
Department 74 of the above entitled Court before the Honorable Sunshine S. Sykes Plaintiffs
Oscar Noguera, Valerie Campos Flores, Daniel Martinez, Vera, Howard and Edmundo

1 Flores (collectively “Plaintiffs”) will apply for an order: (1) preliminarily approving the
2 proposed settlement of this class and PAGA action with Defendant Metal Container
3 Corporation (“Defendant”); (2) for settlement purposes only, conditionally certifying the
4 Class, which is comprised of “all individuals who are current or former non-exempt
5 employees employed by Defendant in California at any time during the Class Period ” of
6 August 17, 2016 to September 1, 2021; (3) provisionally appointing Plaintiffs as the
7 representatives of the Class; (4) provisionally appointing Norman B. Blumenthal, Kyle R.
8 Nordrehaug, and Aparajit Bhowmik of Blumenthal Nordrehaug Bhowmik De Blouw LLP as
9 Class Counsel for the Class; (5) approving the form and method for providing class-wide
10 notice; (6) directing that notice of the proposed settlement be given to the class; (7)
11 appointing CPT Group as Settlement Administrator, and (8) scheduling a final approval
12 hearing date to consider Plaintiffs’ motion for final approval of the settlement and entry of
13 the Judgment, and Plaintiffs’ motion for approval of attorneys' fees and expenses.

14 This motion for preliminary approval of the class settlement is brought pursuant to
15 California Rules of Court, rule 3.769. Plaintiffs’ motion will be based on this notice of
16 motion and motion, the accompanying memorandum of points and authorities, the
17 Declaration of Kyle Nordrehaug, the Declaration of Marlene Moffitt, the Class and PAGA
18 Settlement Agreement (“Agreement”) between the parties, and the complete files and
19 records in this action. Because all parties have agreed to the proposed class settlement, this
20 motion is not opposed by Defendant.

21 Respectfully submitted,

22 Dated: March 3, 2022

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

24 By: /s/ Kyle Nordrehaug
25 Norman B. Blumenthal, Esq.
26 Kyle R. Nordrehaug, Esq.
27 Attorney for Plaintiffs
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