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

SPENCER SUMISAKI, DAVIAN
MONTGOMERY, individually, and on behalf
of other members of the general public
similarly situated; NADIA MORALES,
individually, and on behalf of other members
of the general public similarly situated and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act; NINA WILLIAMS, individually, on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act,

Plaintiffs,

v.

BERKELEY BOWL PRODUCE, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No.: RG19014520

Honorable Evelio Grillo
Department 21

CLASS ACTION

**SUPPLEMENTAL BRIEF IN SUPPORT
OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

[Supplemental Declaration of Edwin
Aiwasian; Declaration of Sean Bothamley; and
[Revised Proposed] Order filed concurrently
herewith]

Reservation No. 768154232963
Date: February 15, 2022
Time: 10:00 a.m.
Department: 21

Complaint Filed: April 10, 2019
FAC Filed: July 17, 2019
SAC Filed: November 20, 2020

1 Plaintiffs Davian Montgomery, Nadia Morales, and Nina Williams (“Plaintiffs”) and
2 Defendant Berkeley Bowl Produce, Inc. (“Defendant”) hereby submit the following
3 supplemental brief in support of Plaintiffs’ Motion for Preliminary Approval of Class Action
4 Settlement (“Motion for Preliminary Approval”), in order to provide the additional information
5 sought by the Court in connection with the Motion for Preliminary Approval.

6 **I. INTRODUCTION**

7 On or about January 4, 2022, Plaintiffs and Defendant (together Plaintiffs and Defendant
8 are referred to as “Parties”) executed Class Action and PAGA Settlement Agreement and
9 Stipulation (“Settlement Agreement”). On January 5, 2022, Plaintiffs filed a Notice of Motion
10 and Motion for Preliminary Approval of Class Action Settlement and papers in support thereof
11 (“Motion for Preliminary Approval”), seeking preliminary approval of the settlement reached
12 by the Parties. The Motion for Preliminary Approval was noticed for hearing on January 26,
13 2022. On January 25, 2022, the Court issued a tentative ruling, continuing the hearing of the
14 Motion for Preliminary Approval to February 15, 2022, so that the parties’ counsel can provide
15 declarations in conformity with California Code of Civil Procedure section 382.4 regarding the
16 proposed cy pres recipient and reserve a hearing date for the motion for final approval. A true
17 and correct copy of the Court’s Minute Order entered on January 26, 2022 is attached as
18 “Exhibit 1” to the Supplemental Declaration of Edwin Aiwazian in Support of Plaintiffs’ Motion
19 for Preliminary Approval (“Supplemental Declaration of Edwin Aiwazian” or “Aiwazian Suppl.
20 Decl.”).

21 **II. SUPPLEMENTAL DECLARATIONS**

22 In compliance with California Code of Civil Procedure section 382.4, concurrently with
23 this brief, Parties are filing the Supplemental Declaration of Edwin Aiwazian (Plaintiff’s
24 Counsel) and the Declaration of Sean Bothamley in Support of Plaintiffs’ Supplemental Brief
25 in Support of Motion for Preliminary Approval of Class Action Settlement (Defendant’s
26 Counsel), which confirm that neither counsel has any connection to or relationship with the
27 proposed cy pres recipient, the Katherine and George Alexander Community Law Center.
28 (Aiwazian Suppl. Decl., ¶ 5; Bothamley Decl., ¶ 3)

1 **III. RESERVATION OF HEARING ON MOTION FOR FINAL APPROVAL**

2 3. With input from Defendant, Plaintiffs have reserved a hearing for the motion for
3 final approval for June 15, 2022 at 10:00 a.m. (Reservation ID: 876901747574) and anticipate
4 filing the motion for final approval, together with supporting documentation, per California Code
5 of Civil Procedure section 1005(b), by May 23, 2022. (Aiwazian Suppl. Decl. ¶ 6)

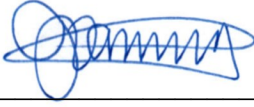
6 **IV. CONCLUSION**

7 Based on the additional information provided herein and in the Supplemental Declaration
8 of Edwin Aiwazian and Declaration of Sean Bothamley, filed concurrently herewith, the Court is
9 respectfully requested to grant preliminary approval of the class action settlement.

10 Dated: February 8, 2022

LAWYERS for JUSTICE, PC

11
12 By:



Edwin Aiwazian
Joanna Ghosh
Attorneys for Plaintiffs

13
14 Dated: February 8, 2022

HOPKINS & CARLEY

15
16 By: /s/ Sean Bothamley

Ernest M. Malaspina
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