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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN DIEGO**
12 **(UNLIMITED JURISDICTION)**

13 WILLIAM DENNIS O'GRADY and HAROLD
14 THOMAS, as "aggrieved employees" on behalf
of other "aggrieved employees" under the Labor
15 Code Private Attorneys General Act of 2004,

16 *Plaintiff(s),*

17 vs.

18 TEAM CAR CARE, LLC, a Delaware limited
19 liability company; and DOES 1-50, inclusive,

20 *Defendant(s).*

Case No. 37-2020-00035860-CU-OE-CTL

**NOTICE OF PLAINTIFFS' MOTION
AND MOTION FOR APPROVAL OF
PAGA SETTLEMENT**

RESERVATION NO. 2913628

Hearing Date: March 3, 2023
Hearing Time: 9:00 a.m.
Hearing Dept.: C-73, The Honorable Joel
R. Wohlfeil
Action Filed: October 7, 2020
Trial Date: Not Set

Submitted Under Separate Cover

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak, Walter L. Haines, Ronald Zambrano, William Dennis O'Grady, and Harold Thomas; and
3. [Proposed] Order and Judgment Approving PAGA Settlement



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15 HAROLD THOMAS, and all others similarly situated



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

2 PLEASE TAKE NOTICE that on March 3, 2023 at 9:00 a.m, or as soon thereafter as the
3 matter may be heard, in Department C-73 of the San Diego County Superior Court, located at
4 Superior Court for the State of California, County of San Diego, Hall of Justice, 330 West
5 Broadway, San Diego, CA 92101, Plaintiffs William Dennis O'Grady ("Plaintiff O'Grady") and
6 Harold Thomas (Plaintiff Thomas) (collectively referred to as Plaintiffs) will and hereby do move
7 this Court for an order approving the PAGA SETTLEMENT AGREEMENT (the "Settlement"
8 or "PAGA Agreement")¹ between Plaintiffs and Defendant Team Car Care, LLC "Defendant")
(Plaintiffs and Defendant are collectively the "Parties").

9 The PAGA Settlement is on behalf of Plaintiffs and all current and former California
10 employees of Defendant Team Car Care, LLC employed at any time during the PAGA Period
11 (the "PAGA Members"). The "PAGA Period" means the period from September 24, 2019
12 through the date of Court approval of the Settlement. Plaintiffs allege that Defendant is liable to
13 them and other PAGA Members for its failure to pay them all earned wages, failure to provide
14 timely and duty-free meal periods, failure to authorize and permit rest periods, failure to
15 indemnify for business expenses, failure to issue proper wage statements, failure to timely pay
16 wags, and any other Labor Code violations that were alleged in the Action, or that could have
been alleged in the Action based on the facts alleged in the Action ("PAGA Released Claims").

17 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
18 Points and Authorities, the declarations of David Spivak, Walter L. Haines, Ronald Zambrano,
19 William Dennis O'Grady, and Harold Thomas, the PAGA Settlement, all papers and pleadings
20 on file with the Court in this action, all matters judicially noticeable, and on such oral and
21 documentary evidence as may be presented in connection with the hearing on the Motion.

22 Respectfully submitted,

THE SPIVAK LAW FIRM

23 DATED: 12 / 12 / 2022

By:



24 DAVID G. SPIVAK
25 CAROLINE TAHMASSIAN,
Attorneys for Plaintiff, WILLIAM
DENNIS O'GRADY

26 _____
27 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak ("DS"), which is
28 submitted herewith under a separate cover.



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