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

14 **IN AND FOR THE COUNTY OF KERN**

15 DAMMION MYLES, an individual, on
16 behalf of himself and on behalf of all
17 persons similarly situated,

18 Plaintiff,

19 vs.

20 BUILDERS CONCRETE, INC., a
21 California Corporation; CONCRETE
22 HOLDING COMPANY OF
23 CALIFORNIA, INC., a Corporation;
24 VIKING READY MIX CO., INC., a
25 Corporation; NATIONAL READY
26 MIXED CONCRETE CO., a California
27 Corporation; and DOES 1 through 50,
28 inclusive,

Defendants.

Case No. BCV-20-102375

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

Hearing Date: July 10, 2023

Hearing Time: 8:30 a.m.

Judge: Hon. Bernard Barmann, Jr.

Courtroom: Div. H

Action Filed: October 9, 2020

Trial Date: Not Set

TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

YOU ARE HEREBY NOTIFIED THAT on July 10, 2023 at 8:30 a.m., in Division H
in the Metropolitan Division Justice Building of the above entitled Court before the

1 Honorable Bernard Barmann, Jr., Plaintiff Dammion Myles (“Plaintiff”) will apply for an
2 order: (1) preliminarily approving the proposed settlement of this class action with
3 Defendants Builders Concrete, Inc. and Viking Ready Mix Co., Inc. (“Defendants”); (2) for
4 settlement purposes only, conditionally certifying the Class, which consists of both the
5 California Class and the FCRA Class; (3) provisionally appointing Plaintiff as the
6 representative of the Class; (4) provisionally appointing Norman B. Blumenthal, Kyle R.
7 Nordrehaug, Aparajit Bhowmik, Nicholas J. De Blouw, Jeffrey S. Herman, and Sergio J.
8 Puche of Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel for the Class;
9 (5) approving the form and method for providing class-wide notice; (6) directing that notice
10 of the proposed settlement be given to the Class; (7) appointing ILYM Group as the
11 Administrator; and (8) scheduling a final approval hearing date proposed for October 23,
12 2023 to consider Plaintiff’s motion for final approval of the settlement and entry of the
13 Judgment, and Plaintiff’s 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. Plaintiff’s 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 Class Action and PAGA Settlement Agreement
18 (“Agreement”) between the parties, and the complete files and records in this action.
19 Because all parties have agreed to the proposed class settlement, this motion is not opposed
20 by Defendants.

21 Respectfully submitted,

22 Dated: May 22, 2023

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

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