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7 Attorneys for Plaintiff(s),

8 TUAN HOANG, and all others similarly situated

9 (Additional attorneys for parties on following page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF SANTA CLARA**

12 **(UNLIMITED JURISDICTION)**

13
14 TUAN HOANG, on behalf of himself and as an
15 “aggrieved employee” on behalf of other
16 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

17 *Plaintiff,*

18 vs.

19 MDC VACUUM PRODUCTS LLC, a Delaware
20 limited liability company; and DOES 1–50,
21 inclusive,

22 *Defendants.*

Case No. 21CV376678

**NOTICE OF PLAINTIFF’S MOTION
AND MOTION FOR APPROVAL OF
PAGA SETTLEMENT**

Hearing Date: April 26, 2023

Hearing Time: 1:30 p.m.

Hearing Dept.: 19, The Honorable
Theodore C. Zayner

Action filed: March 01, 2021

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak, Walter L. Haines, and Tuan Hoang; and
3. [Proposed] Order and Judgment Approving PAGA Settlement



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

2 PLEASE TAKE NOTICE that on April 26, 2023 at 1:30 p.m., or as soon thereafter as the
3 matter may be heard, in Department 3 of the Santa Clara County Superior Court, located at
4 Superior Court for the State of California, County of Santa Clara,, Downtown Superior Court,
5 191 North First Street, San Jose, CA 95113, Plaintiff Tuan Hoang (“Plaintiff”) will and hereby
6 does move this Court for an order approving the PAGA Settlement Agreement (the “Settlement”)¹
7 between Plaintiff and Defendant MDC Vacuum Products LLC (“Defendant”) (Plaintiff and
8 Defendants are collectively the “Parties).

9 The PAGA Settlement is on behalf of Tuan Hoang and all current and former hourly or
10 non-exempt employees of Defendant who worked in California at any time during the PAGA
11 Period (the “PAGA Members”). The “PAGA Period” means the period from December 26, 2019
12 through Court-approval date. Plaintiff alleges that Defendant is liable to him and other PAGA
13 Members for failure to pay employees all earned wages, failure to provide meal periods, failure
14 to authorize and permit rest periods, failure to indemnify for business expenses, failure to issue
15 proper wage statements, failure to timely pay wages, and any other Labor Code violations that
16 were alleged in the Action, or that could have been alleged in the Action based on the facts alleged
17 in the Action, which includes, but is not limited to, alleged violations of Labor Code sections 201,
18 202, 203, 204, 226, 226.7, 246, 510, 512, 558, 1174, 1174.5, 1194, 1197, 1198, 2802, and 2698
19 *et seq.* (“PAGA Released Claims”).

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

1 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
2 Points and Authorities, the declarations of David Spivak, Walter L. Haines, and Tuan Hoang, the
3 PAGA Settlement, all papers and pleadings on file with the Court in this action, all matters
4 judicially noticeable, and on such oral and documentary evidence as may be presented in
5 connection with the hearing on the Motion.

6 Respectfully submitted,

8 THE SPIVAK LAW FIRM

9 Dated: January 23, 2023

By: 

10 DAVID G. SPIVAK
11 MAYA CHEAITANI
12 Attorneys for Plaintiff, TUAN
13 HOANG, and all others similarly
14 situated
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