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Attorneys for Plaintiff Steven Kane, on behalf of himself
and other similarly-situated employees

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

STEVEN KANE, on behalf of
himself and other similarly-situated
employees,

Plaintiff,

vs.

SMITHFIELD DIRECT, LLC, a
Delaware Limited Liability
Company; and DOES 1 through 10,
inclusive,

Defendants.

CASE NO. 21-CV-04832 PA (JCx)

CLASS ACTION

**NOTICE OF MOTION FOR ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT, CONDITIONAL
CERTIFICATION, APPROVAL OF
CLASS NOTICE, AND SETTING OF
FINAL APPROVAL HEARING**

Date: January 10, 2022

Time: 1:30 p.m.

Judge: Percy Anderson

Ctrm.: 9A

Filed: April 12, 2021

Removed: June 14, 2021

Trial date: June 14, 2022

1 PLEASE TAKE NOTICE that on January 10, 2022 at 1:30 p.m., or as soon
2 as the matter may be heard in Courtroom 9A of the above-captioned court,
3 located at 350 W. 1st Street, Los Angeles, California 90012, the Honorable Percy
4 Anderson presiding, Plaintiff Steven Kane, on behalf of himself and all others
5 similarly situated, will move this Court for an Order:

6 1. Preliminarily approving the proposed class action and representative
7 action settlement as fair, adequate, and reasonable based on the terms of the
8 Stipulation of Class Action and PAGA Settlement and Release of Claims
9 (“Settlement Agreement”), attached as Exhibit “A” to the Declaration of J. Jason
10 Hill, including the payment by Defendant Smithfield Direct, LLC of the \$350,000
11 Gross Settlement Amount;

12 2. Conditionally certifying the Class defined “as all individuals
13 employed by Smithfield Direct, LLC in California as hourly Route Sales
14 Representatives and/or Relief Route Sales Representatives at any time during the
15 period from April 12, 2017 and November 30, 2020”;

16 2. Approving the proposed Notice of Class Action Settlement, attached
17 as Exhibit 1 to the Settlement Agreement, and ordering its dissemination to the
18 Class;

19 3. Appointing Plaintiff Steven Kane as the Class Representative;

20 4. Appointing Plaintiff’s Counsel, Cohelan Khoury & Singer and the
21 Davtayan Law Firm, Inc. as Class Counsel;

22 5. Appointing CPT Group, Inc., as the Settlement Administrator; and

23 6. Setting a hearing date and briefing schedule to consider Plaintiff’s
24 Motion for Order Granting Final Approval of Class Action Settlement and
25 Entering Judgment which includes Class Counsels’ request for an award of
26 attorneys’ fees, and litigation costs, Class Representative Service Payment,
27 Settlement Administrator’s expenses, and payment to California’s Labor and
28 Workforce Development Agency in satisfaction of the Private Attorneys General

1 Act (“PAGA”) civil penalties alleged.

2 This motion is made on the grounds that Plaintiff Steven Kane and
3 Defendant Smithfield Direct, LLC have reached a proposed Settlement which
4 they believe to be fair, reasonable and adequate and in the best interests of the
5 Class.

6 This Motion is based upon this Notice of Motion and Motion, the
7 Memorandum of Points and Authorities, Declarations of Class Counsel J. Jason
8 Hill and Emil Davtyan, Declaration of Plaintiff Steven Kane, Declaration of Julie
9 Green on behalf of CPT Group, Inc., the Settlement Agreement, the [Proposed]
10 Order Granting Preliminary Approval of Class Action Settlement, the Court’s
11 files in this matter, and any other documents or evidence which the Court may
12 consider when ruling on this motion for order granting preliminary approval.

13 Respectfully submitted,

14 COHELAN KHOURY & SINGER
15 DAVTYAN LAW FIRM, INC.

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17 Dated: December 10, 2021

By: s/ J. Jason Hill

18 J. Jason Hill
19 Attorneys for Plaintiff Steven Kane
20 and the Putative Class
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