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8 CHARLES MIKICH, JONATHON GORDON, and all others similarly situated

9 (Additional attorneys for Plaintiff(s) on following page)

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

13 CHARLES MIKICH, on behalf of himself and
14 all others similarly situated, and as an “aggrieved
15 employee” on behalf of other “aggrieved
16 employees” under the Labor Code Private
17 Attorneys General Act of 2004,

18 *Plaintiff(s),*

19 vs.

20 SAYEH PETROLEUM, INC., a California
21 corporation; HEDIA PETROLEUM, INC., a
22 California corporation; HADAD ENTERPRISE,
23 INC., a California corporation; HADAD
24 PETROLEUM, INC., a California corporation;
25 BAY AREA AUTO CARE, INC., a California
26 corporation; HOUTAN PETROLEUM, INC. a
27 California corporation; GREEN PLANET GAS,
28 INC., a California corporation; ALI
BOZORGHADAD (also known as ED
BOZORGHADAD, also known as ED
HADAD), an individual; and DOES 8-50,
inclusive,

Defendant(s).

Case No. CGC-20-582385 to be
consolidated with CGC-21-594289

**PLAINTIFFS CHARLES MIKICH
AND JONATHON GORDON’S
NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
FIRST AMENDED CLASS ACTION
SETTLEMENT**

Hearing Date: April 29, 2024

Hearing Time: 9:30 a.m.

Hearing Dept.: 302, The Honorable
Richard Ulmer

Action filed: January 22, 2020

Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; and
3. [Proposed] Order



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JONATHON GORDON on behalf of himself and all others similarly situated, and as an “aggrieved employee” on behalf of other “aggrieved employees” under the Labor Code Private Attorney General Act of 2004,

Plaintiff(s),

vs.

SAYEH PETROLEUM, INC., a California corporation; HEDIA PETROLEUM, INC., a California corporation; HADAD ENTERPRISE, INC., a California corporation; HADAD PETROLEUM, INC., a California corporation; BAY AREA AUTO CARE, INC., a California corporation; HOUTAN PETROLEUM, INC. a California corporation; GREEN PLANET GAS, INC., a California corporation; ALI BOZORGHADAD (also known as ED BOZORGHADAD also known as ED HADAD), an individual; and DOES 1-50, inclusive,

Defendant(s).

Case No.: CGC-21-594289

Action Filed: 08/04/2021
Dept: 610, Hon. Garrett L. Wong



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CHARLES MIKICH, JONATHON GORDON, 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 April 29, 2024 at 9:30 a.m., or as soon thereafter as the
3 matter may be heard, in Department 302 of the San Francisco County Superior Court, located at
4 Civic Center Courthouse, 400 McAlister Street, San Francisco, CA 94102-3680, Plaintiffs
5 Charles Mikich, Jonathon Gordon, and all others similarly situated (collectively “Plaintiffs”) will
6 and hereby do move this Court for an order: (1) granting class certification of the Settlement Class
7 solely for settlement purposes pursuant to California Code of Civil Procedure section 382; (2)
8 preliminarily approving the First Amended Joint Stipulation of Class Action Settlement and
9 Release of Claims (the “Settlement”)¹ between Plaintiffs and Defendants Sayeh Petroleum, Inc.,
10 Hedia Petroleum, Inc., Hadad Enterprise, Inc., Hadad Petroleum, Inc., Bay Area Auto Care, Inc.,
11 Houtan Petroleum, Inc., Ali Bozorghadad (aka Ed Hadad), and Green Planet Gas, Inc.
12 (collectively “Defendants”) (Plaintiffs and Defendants are collectively “the Parties”), (3)
13 appointing David Spivak of The Spivak Law Firm and Walter L. Haines of United Employees
14 Law Group as Class Counsel; (5) appointing each Plaintiff as a Class Representative (“Class
15 Representative”); (6) approving the use of the proposed notice procedures and related forms; (7)
16 directing that notice be mailed to the proposed Settlement Class; and (8) scheduling a hearing
17 date for motion for final approval of class action settlement and awards of attorneys’ fees and
18 costs.

19 The “Settlement Class” or “Class Members” consists of all persons Defendants employed
20 in California as hourly, non-exempt employees during the Class Period, which is the period of
21 time from January 22, 2016 to October 31, 2022.

22 This Motion is made on the following grounds: (1) the Settlement Class meets all the
23 requirements for class certification for settlement purposes only under California Code of Civil
24 Procedure section 382; (2) Plaintiffs and their counsel are adequate to represent the Settlement
25 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
26 claims in view of Defendants’ potential liability exposure as compared against the risks of
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.



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1 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
2 Class Members of their rights under the Settlement and fully comport with due process; and (5)
3 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
4 for motion for final approval of class action settlement, and awards of attorneys' fees and costs
5 should be set.

6 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
7 Points and Authorities, the Declaration of David Spivak, the Declaration of Walter L. Haines, all
8 papers and pleadings on file with the Court in this action, all matters judicially noticeable, and on
9 such oral and documentary evidence as may be presented in connection with the hearing on the
10 Motion.

11 Respectfully submitted,

12 THE SPIVAK LAW FIRM

13
14 Dated: 04 / 02 / 2024

By:



15 DAVID G. SPIVAK, Attorneys for
16 Plaintiff(s), CHARLES MIKICH,
17 JONATHON GORDON, and all others
18 similarly situated



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