

Thomas D. Rutledge (SBN 200497)
Attorney-at-Law
16956 Via de Santa Fe, Suite 1847
Rancho Santa Fe, California 92091-4606
Telephone: (619) 886-7224
thomasrutledgelaw@gmail.com

Ian Pancer (SBN 246600)
The Law Office of Ian Pancer
105 West F Street, Suite 400
San Diego, California 92101
Phone: (619) 955-6653
Fax: (619) 374-7410
ian@sandiegolegal.net

Attorneys for the Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO-CENTRAL DIVISION

ALEKSANDR POVARNITSON and
BRADLEY BRIGHT, individually and
on behalf of all others similarly situated,

Plaintiffs,

vs.

ELECTRONIC CONTROL SYSTEMS,
LLC, a Delaware limited liability
company dba ALBIREO ENERGY,
LLC; ALBIREO ENERGY, LLC, a
Michigan corporation; and DOES 1-50,

Defendants.

Case No.: 37-2021-00043575-CU-OE-
CTL

Judge: Hon. Katherine Bacal
Dept.: 69

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Judge: Hon. Katherine Bacal
Dept.: C-69
Hearing Date: September 21, 2023
Hearing Time: 1:30 p.m.

[Decl. of Thomas D. Rutledge, Decl. of Ian
Pancer, [Proposed] Order, and Mem of P&As
filed concurrently herewith]

**TO ALL PARTIES, THEIR ATTORNEYS OF RECORD AND THIS
HONORABLE COURT:**

PLEASE TAKE NOTICE THAT on **September 21, 2023**, at **1:30 p.m.** in Department C-69 of the San Diego Superior Court located at 330 West Broadway, San Diego, California 92101, Plaintiff Aleksandr Povarnitson, individually and on behalf of all others similarly situated (Plaintiffs) will and hereby does move this Court, pursuant to Code of Civil Procedures § 382, for entry of the proposed Order submitted herewith: (1) provisionally certifying the settlement class; (2) preliminarily approving the class action settlement; (3) directing distribution of notice of settlement to the class; (4) appointing Messrs. Thomas D. Rutledge, Esquire and Ian Pancer, Esquire as class counsel and the named Plaintiff as class representative; and (5) setting a final approval hearing.

This motion is based on this Notice, Plaintiffs' accompanying Memorandum of Points and Authorities, the accompanying declarations of Thomas D. Rutledge and Ian Pancer and exhibits hereto including the Class Action Settlement Agreement and the Class Notice, and the pleadings, records and files in this action and such argument and evidence which may be presented at or before the hearing.

Dated: August 28, 2023

Law Office of Thomas D.
Rutledge

By: Thomas D. Rutledge
/s/Thomas D. Rutledge, Esq.
Attorneys for Plaintiffs

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

I, THOMAS D. RUTLEDGE, the undersigned, am employed in the County of San Diego, State of California; I am over the age of 18 and not a party to the within action; my business address is 16956 Via de Santa Fe, Suite 1847, Rancho Santa Fe, California 92091-4606.

On August 28, 2023, I served the foregoing document(s) described as:

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

on the interested parties to this action by placing a copy thereof enclosed in a sealed envelope addressed as follows: **See Attached List.**

☒ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence was deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in San Diego, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☒ **(BY E-MAIL via E-file)** I am readily familiar with the business practice for collection and processing of correspondence for emailing with the Court authorized third-party vendor. This correspondence was sent via email via this third-party vendor pursuant to the vendor's policies and practices.

☐ **(BY OVERNIGHT DELIVERY SERVICE)** I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

☐ **(BY FACSIMILE)** I caused such documents to be delivered via facsimile to the offices of the addressee(s) at the following facsimile number:

Executed August 28, 2023, at San Diego, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

THOMAS D. RUTLEDGE
/s/THOMAS D. RUTLEDGE

SERVICE LIST

Christopher Rowlett, Esquire
PEREZ, VAUGHN, & FEASBY, INC.
600 B. Street, Suite 2100
San Diego, California 92101

Attorneys for Defendants