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SHELIA CROMWELL, AARON SALAZAR,
ANDREW FORREST, and all others similarly situated
(Additional attorneys for Plaintiff(s) on following page)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO
(UNLIMITED JURISDICTION)

SHELIA CROMWELL, AARON SALAZAR,
and ANDREW FORREST, on behalf of
themselves, all others similarly situated, and as
“aggrieved employees” on behalf of other
“aggrieved employees” under the Labor Code
Private Attorney General Act of 2004,,

Plaintiff(s),

vs.

DESERT CREMATION SOCIETY, INC., a
California corporation; ~~WIEFELS & SON, a~~
~~California corporation;~~ WIEFELS & SON II,
INC., a California corporation; ~~WIEFELS FD,~~
~~INC., a California corporation;~~ and DOES 1–50,
inclusive,,

Defendant(s).

Case No. CIVSB2116331

**PLAINTIFFS’ NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: February 13, 2024
Hearing Time: 1:30 p.m.
Hearing Dept.: S17, The Honorable
Joseph T. Ortiz

Action filed: June 04, 2021

**Submitted Herewith Under Separate
Cover:**

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



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

2 PLEASE TAKE NOTICE that on February 13, 2024 at 1:30 p.m., or as soon thereafter as
3 the matter may be heard, in Department S17 of the San Bernardino County Superior Court, located
4 at San Bernardino Justice Center, 247 West Third Street, San Bernardino, CA 92415, Plaintiffs
5 Aaron Salazar, Shelia Cromwell, and Andrew Forrest (collectively “Plaintiffs”) will and hereby
6 does move this Court for an order: (1) granting class certification of the Settlement Class solely
7 for settlement purposes pursuant to California Code of Civil Procedure section 382; (2)
8 preliminarily approving the Class Action and PAGA Settlement Agreement and Class Notice (the
9 “Settlement”)¹ between Plaintiffs and Defendants Desert Cremation Society, Inc. (“Defendant”)
10 (Plaintiffs and Defendants are referred to below collectively as the “Parties”), (3) appointing David
11 Spivak of The Spivak Law Firm and Walter L. Haines of United Employees Law Group as Class
12 Counsel; (5) appointing Plaintiffs as Class representatives (“Class representatives”); (6)
13 approving the use of the proposed notice procedures and related forms; (7) directing that notice
14 be mailed to the proposed Settlement Class; and (8) scheduling a hearing date for motion for final
15 approval of class action settlement and awards of attorneys’ fees and costs.

16 The “Settlement Class” or “Class Members” consists of all of Defendants’ non-exempt
17 decedent transport drivers (also known as transport specialists), but only for the time period that
18 the employee performed transport services, during the Class Period. “Class Period” means the
19 period from October 12, 2017 through October 27, 2023.

20 This Motion is made on the following grounds: (1) the Settlement Class meets all the
21 requirements for class certification for settlement purposes only under California Code of Civil
22 Procedure section 382; (2) Plaintiffs and their counsel are adequate to represent the Settlement
23 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
24 claims in view of Defendant’s potential liability exposure as compared against the risks of
25 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
26 Class Members of their rights under the Settlement and fully comport with due process; and (5)

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 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
2 for motion for final approval of class action settlement, and awards of attorneys' fees and costs
3 should be set.

4 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
5 Points and Authorities, the Declarations of David Spivak, Walter L. Haines, Aaron Salazar, Shelia
6 Cromwell, and Andrew Forrest, all papers and pleadings on file with the Court in this action, all
7 matters judicially noticeable, and on such oral and documentary evidence as may be presented in
8 connection with the hearing on the Motion.

9 Respectfully submitted,

10
11 THE SPIVAK LAW FIRM

12 Dated: January 22, 2024

13 By: 

14 DAVID G. SPIVAK
15 CAROLINE TAHMASSIAN,
16 Attorneys for Plaintiffs, AARON
17 SALAZAR, SHELIA CROMWELL,
18 ANDREW FORREST, and all others
19 similarly situated
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