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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **IN AND FOR THE COUNTY OF KINGS**

15 ADRIAN LEON and RICHARD
16 RODRIGUEZ, JR., on behalf of
17 themselves and on behalf of all persons
18 similarly situated,

19 Plaintiff,

20 vs.

21 CALAVERAS MATERIALS, INC., a
22 California Corporation; LEHIGH
23 HANSON SERVICES LLC, a Limited
24 Liability Company; SOUTH VALLEY
25 MATERIALS, INC., a Corporation; and
26 DOES 1 through 50, inclusive,

27 Defendants.

Case No.: **21C-0105**

[Consolidated for All Purposes with
Case No. 21C-0167]

**NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: October 20, 2022

Hearing Time: 10:30 a.m.

Dept: 7

Judge: Hon. Melissa D'Morias

Action Filed: April 5, 2021

Trial Date: None set

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

3 YOU ARE HEREBY NOTIFIED THAT on October 20, 2022 at 10:30 a.m., in
4 Department 7 of the above entitled Court before the Honorable Melissa D'Morias, Plaintiffs
5 Adrian Leon and Richard Rodriguez, Jr. ("Plaintiffs") will apply for an order:

6 (1) preliminarily approving the proposed settlement of this class action with Defendants
7 Calaveras Materials, LLC (formerly known as Calaveras Materials, Inc.), Lehigh Hanson
8 Services LLC, and South Valley Materials, LLC (formerly known as South Valley
9 Materials, Inc.) (collectively "Defendants"); (2) for settlement purposes only, conditionally
10 certifying the Class, which is comprised of "all individuals who are or previously were
11 employed by Defendant Lehigh Hanson Services, LLC in California who were classified as
12 hourly-paid or non-exempt employees during the Class Period, and excluding any members
13 of the settlement classes in the cases of *Avelar v. Hanson Aggregates, LLC*, Superior Court
14 of California, County of Los Angeles, Case No. 19STCV32068 ("Avelar Action"); and *Rost*
15 *v. Lehigh Hanson, Inc.*, Superior Court of the State of California, County of San Luis
16 Obispo, Case No. 20CV-0225 ("Rost Action"); (3) provisionally appointing Plaintiffs as
17 the representatives of the Class; (4) provisionally appointing Norman B. Blumenthal, Kyle
18 R. Nordrehaug, Aparajit Bhowmik, Nicholas J. De Blouw, and Jeffrey S. Herman of
19 Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel for the Class; (5)
20 approving the form and method for providing class-wide notice; (6) directing that notice of
21 the proposed settlement be given to the class; (7) appointing ILYM Group as Settlement
22 Administrator, and (8) scheduling a final approval hearing date to consider Plaintiffs'
23 motion for final approval of the settlement and entry of the Judgment, and Plaintiffs' motion
24 for approval of attorneys' fees and expenses.

25 This unopposed motion for preliminary approval of the class settlement is brought
26 pursuant to California Rules of Court, rule 3.769. Plaintiffs' motion will be based on this
27 notice of motion and motion, the accompanying memorandum of points and authorities, the
28 Declaration of Kyle Nordrehaug, the Class Action Settlement Agreement ("Agreement")

1 between the parties, and the complete files and records in this action. Because all parties
2 have agreed to the proposed class settlement, this motion is not opposed by Defendants.

3 Respectfully submitted,

4 Dated: September 26, 2022

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

By: /s/ Kyle Nordrehaug
Norman B. Blumenthal, Esq.
Kyle R. Nordrehaug, Esq.
Attorney for Plaintiffs