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Attorneys for Plaintiff and others similarly situated

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH GUTHRIE, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

ITS LOGISTICS, LLC, a Delaware
Company, and DOES 1 through 20,
inclusive;

Defendants.

Case No.: 1:21-CV-00729-AWI-EPG
[Assigned to Hon. Anthony W. Ishii,
U.S. District Judge, Courtroom 2]

FRCP RULE 23 CLASS ACTION

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

Hearing

Date: July 25, 2022
Time: 1:30 p.m.
Courtroom: 2

Complaint filed: March 9, 2021

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 25, 2022, at 1:30 p.m., or as soon thereafter
as the matter may be heard in the above-entitled Court located in Courtroom 2 at 2500
Tulare Street, Fresno, CA 93721, Plaintiff Keith Guthrie will move, pursuant to FRCP
Rule 23, for an order: (1) granting preliminary certification of the settlement class for
settlement purposes only; (2) granting preliminary approval of the proposed settlement

1 including appointment of Plaintiff's counsel as Class Counsel; (3) authorizing the parties
2 to provide the proposed Class Notice to the Class Members; and (4) setting a final
3 approval or fairness hearing to be heard approximately 120 days after the date
4 preliminary approval is granted, as the Court's calendar permits. A proposed order to this
5 effect is filed concurrently herewith.

6 This motion is unopposed by Defendant ITS Logistics, LLC. The parties seek the
7 Court's preliminary approval of the settlement in order to begin the process towards
8 obtaining final approval of the proposed settlement through a final fairness hearing set
9 approximately 120 days after preliminary approval. At that time, the Court will again
10 have the opportunity to fully consider the proposed settlement before entering a final
11 order.

12 This Motion is based upon this Notice, the Memorandum of Points and
13 Authorities, the Class Action Settlement Agreement and Release of Claims, the
14 declarations of Plaintiff's Counsel (Brian Mankin and Misty Lauby) filed herewith, and
15 the proposed Order submitted herewith, the pleadings and records on file with this Court
16 and on such oral and documentary evidence as may be presented at the time of hearing.

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18 Dated: June 15, 2022

LAUBY, MANKIN & LAUBY LLP

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20 BY: /s/ Misty M. Lauby, Esq.
21 Misty M. Lauby, Esq.
22 Attorneys for Plaintiff and the similarly
23 situated employees
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