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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

15 LAURO GONZALEZ-ARIAS, an
16 individual, on behalf of himself and on
17 behalf of all persons similarly situated,

18 Plaintiff,

19 vs.

20 MXB BATTERY OPERATIONS, LP, a
21 Limited Partnership; and DOES 1
22 through 50, inclusive,

23 Defendants.

Case No. CGC-21-595687

(Consolidated with Case No. CGC-21-595759)

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

Hearing Date: March 30, 2023

Hearing Time: 9:30 a.m.

Judge: Hon. Richard B. Ulmer

Dept: 302

Action Filed: October 1, 2021

Trial Date: Not Set

24 **TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

25 YOU ARE HEREBY NOTIFIED THAT on March 30, 2023 at 9:30 a.m., in
26 Department 302 of the above entitled Court before the Honorable Richard B. Ulmer,
27 Plaintiff Lauro Gonzalez-Arias ("Plaintiff") will apply for an order: (1) preliminarily
28 approving the proposed settlement of this class action with Defendant MXB Battery

1 Operations, LP (“Defendant”); (2) for settlement purposes only, conditionally certifying the
2 Class, which is comprised of “all individuals who are or previously were employed by
3 Defendant MXB Battery Operations, LP in California who were classified as hourly,
4 non-exempt employees at any time during the Class Period” of October 1, 2017 through
5 December 21, 2022; (3) provisionally appointing Plaintiff as the representative of the Class;
6 (4) provisionally appointing Norman B. Blumenthal, Kyle R. Nordrehaug, and Aparajit
7 Bhowmik of Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel for the
8 Class; (5) approving the form and method for providing class-wide notice; (6) directing that
9 notice of the proposed settlement be given to the class; (7) appointing ILYM Group as the
10 Administrator; and (8) scheduling a final approval hearing date to consider Plaintiff’s
11 motion for final approval of the settlement and entry of the Judgment, and Plaintiff’s motion
12 for approval of attorneys' fees and expenses.

13 This motion for preliminary approval of the class settlement is brought pursuant to
14 California Rules of Court, rule 3.769. Plaintiff’s motion will be based on this notice of
15 motion and motion, the accompanying memorandum of points and authorities, the
16 Declaration of Kyle Nordrehaug, the Class Action and PAGA Settlement Agreement
17 (“Agreement”) between the parties, and the complete files and records in this action.
18 Because all parties have agreed to the proposed class settlement, this motion is not opposed
19 by Defendant.

20 Respectfully submitted,

21 Dated: March 1, 2023

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

22 By: /s/ Kyle Nordrehaug
23 Norman B. Blumenthal, Esq.
24 Kyle R. Nordrehaug, Esq.
25 Attorney for Plaintiff
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