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**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 1/27/2025 6:14 PM
Reviewed By: C. Roman
Case #21CV386800
Envelope: 18058048**

Attorney for Plaintiffs HUMBERTO REYES MONREAL and PEDRO GONZALEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

HUMBERTO REYES MONREAL, on behalf of
himself and all others similarly situated;

Plaintiffs,

v.

DINSMORE ENTERPRISES, INC. d.b.a.
ALPINE LANDSCAPES, a California
Corporation, and DOES 1 through 50 inclusive,

Defendants.

Case No.: 21CV386800
Hon. Charles F. Adams
Dept.: 7
CLASS ACTION

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

[Filed concurrently with Memorandum of Points and
Authorities, the Declaration of Anna R. Salusky, and
[Proposed] Order]

Date: February 20, 2025
Time: 1:30 p.m.
Dept. 7
Judge: Hon. Charles F. Adams

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 20, 2025, at 1:30 p.m., or as soon thereafter as this
matter may be heard by in Department 7 of the Santa Clara County Superior Court, located at 191
North First Street San Jose, CA 95113, Plaintiffs Humberto Reyes Monreal and Pedro Gonzalez
("Plaintiffs"), by and through their counsel of record, will and hereby do, move the Court for an order:

- 1 1. Preliminarily approving the Class Action and PAGA Settlement Agreement, to be
- 2 submitted as Exhibit 1 to the Supplemental Declaration of Anna R. Salusky, to be filed forthwith;
- 3 2. Provisionally certifying the proposed Class for settlement purposes only;
- 4 3. Granting preliminary approval of the Settlement reached in this matter;
- 5 4. Approving as to form the Notice of Class Action Settlement, which is to be submitted as
- 6 Exhibit A to the Settlement Agreement, and ordering that the Notice of Class Action Settlement be
- 7 distributed to all Settlement Class Members;
- 8 5. Appointing Plaintiffs Humberto Reyes Monreal and Pedro Gonzalez as Class the
- 9 Representatives;
- 10 6. Appointing ILYM Group, Inc., as the Administrator;
- 11 7. Appointing Salusky Law Group as Class Counsel;
- 12 8. Determining whether, under California Rules of Professional Conduct, rule 1.5.1, and
- 13 California Rules of Court, rule 3.769, a valid fee sharing agreement exists between Salusky Law Group
- 14 and Jose Garay, APLC and Jose Garay for attorney's fees in this action; and
- 15 9. Setting this matter for a hearing on the issues of final approval of the proposed
- 16 Settlement, approval of the Class Representative Service Payments, approval of the Class Counsel Fees
- 17 Payment, approval of the Class Counsel Expenses Payment, approval of the PAGA Penalties, and
- 18 approval of the Administrator Expenses Payment.

19 This motion is brought pursuant to rule 3.769 of the California Rules of Court and Labor Code
20 section 2699(1)(2) on the grounds that the proposed Settlement was reached as a result of informed
21 arm's-length negotiations and is within the range of reasonableness to be finally approved as fair,
22 adequate, and reasonable in all respects.

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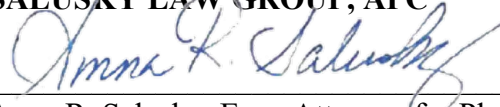
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1 This motion is based upon this Notice, the accompanying Memorandum of Points and
2 Authorities, the Declaration of Anna R. Salusky, the accompanying exhibits, which are filed and served
3 concurrently with this motion, all pleadings and papers filed in this action, and a forthcoming
4 supplemental Declaration of Anna R. Salusky, which shall include as an exhibit the parties' Class
5 Action and PAGA Settlement Agreement, and upon any such other evidence or argument that may be
6 presented to the Court at the time of the hearing.

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8 Dated: January 27, 2025

SALUSKY LAW GROUP, APC



Anna R. Salusky, Esq., Attorney for Plaintiffs
HUMBERTO REYES MONREAL and PEDRO
GONZALEZ