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

15 VICTOR HERNANDEZ, on behalf of
16 himself and on behalf of all persons
17 similarly situated,

18 Plaintiff,

19 vs.

20 MITSUBISHI CEMENT
21 CORPORATION, a Corporation; and
22 DOES 1 through 50, inclusive,

23 Defendants.

Case No. CIVSB2125260

[Consolidated with Case No. CIVSB2133252]

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

Hearing Date: May 31, 2023

Hearing Time: 1:30 p.m.

Judge: Hon. Joseph T. Ortiz

Dept: 17

Date Filed: August 11, 2021

Trial Date: Not set

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

25 YOU ARE HEREBY NOTIFIED THAT on May 31, 2023 at 1:30 p.m., in
26 Department 17 of the above entitled Court before the Honorable Joseph T. Ortiz , Plaintiff
27 Victor Hernandez (“Plaintiff”) will apply for an order: (1) preliminarily approving the

1 proposed settlement of this class and PAGA action with Defendant Mitsubishi Cement
2 Corporation (“Defendant”); (2) for settlement purposes only, conditionally certifying the
3 Class, which is comprised of “all individuals who are or previously were employed by
4 Defendant and classified as non-exempt employees at any time during the Class Period” of
5 August 11, 2017 through April 16, 2023; (3) provisionally appointing Plaintiff as the
6 representative of the Class; (4) provisionally appointing Norman B. Blumenthal, Kyle R.
7 Nordrehaug, and Aparajit Bhowmik of Blumenthal Nordrehaug Bhowmik De Blouw LLP as
8 Class Counsel for the Class; (5) approving the form and method for providing class-wide
9 notice; (6) directing that notice of the proposed settlement be given to the Class; (7)
10 appointing ILYM Group as the Administrator; and (8) scheduling a final approval hearing
11 date proposed for October 17, 2023 to consider Plaintiff’s motion for final approval of the
12 settlement and entry of the Judgment, and Plaintiff’s motion for approval of attorneys' fees
13 and expenses.

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

21 Respectfully submitted,

22 Dated: April 27, 2023

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

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