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

15 FRANCISCO GARCIA, an individual,
16 on behalf of himself, and on behalf of all
17 persons similarly situated,

18 Plaintiff,

19 vs.

20 SPECIALTY MINERALS INC., a
21 corporation; DOES 1 through 50,
22 inclusive,

23 Defendants.

Case No. CIVSB21276950

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

Hearing Date: June 7, 2023

Hearing Time: 10:00 a.m.

Judge: Hon. David Cohn

Dept: 26

Date Filed: September 29, 2021

Trial Date: Not set

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

25 YOU ARE HEREBY NOTIFIED THAT on June 7, 2023 at 10:00 a.m., in
26 Department 26 of the above entitled Court before the Honorable David Cohn, Plaintiff
27 Francisco Garcia ("Plaintiff") will apply for an order: (1) preliminarily approving the
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1 proposed settlement of this class action with Defendant Specialty Minerals Inc.
2 (“Defendant”); (2) for settlement purposes only, conditionally certifying the Class, which is
3 comprised of “all individuals who are or previously were employed by Defendant in
4 California who were classified as hourly, non-exempt employees at any time during the
5 Class Period” of September 29, 2017 through May 29, 2023; (3) provisionally appointing
6 Plaintiff as the representative of the Class; (4) provisionally appointing Norman B.
7 Blumenthal, Kyle R. Nordrehaug, and Aparajit Bhowmik of Blumenthal Nordrehaug
8 Bhowmik De Blouw LLP as Class Counsel for the Class; (5) approving the form and
9 method for providing class-wide notice; (6) directing that notice of the proposed settlement
10 be given to the Class; (7) appointing ILYM Group as the Administrator; and (8) scheduling
11 a final approval hearing date proposed for October 18, 2023 to consider Plaintiff’s motion
12 for final approval of the settlement and entry of the Judgment, and Plaintiff’s motion for
13 approval of attorneys’ fees and expenses.

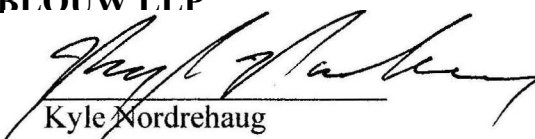
14 This motion for preliminary approval of the class settlement is brought pursuant to
15 California Rules of Court, rule 3.769. Plaintiff’s motion will be based on this notice of
16 motion and motion, the accompanying memorandum of points and authorities, the
17 Declaration of Kyle Nordrehaug, the Class 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: May 10, 2023

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

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24 By


25 Kyle Nordrehaug
26 Attorney for Plaintiff
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