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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF FRESNO

JOSE ERNESTO LUCAS, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

SW INGREDIENTS HOLDINGS, LLC, a
Delaware limited liability company; SPICE
WORLD INC., a Florida corporation; SPICE
WORLD, LLC, a Florida limited liability
company; and DOES 1 through 10, inclusive,

Defendants

Lead Case No. 21CECG01943
(Consolidated with cases 21CECG03840,
22CECG00586)

[Assigned to Hon. Jonathan Skiles, Dept. 403]

**CONSOLIDATED CLASS AND
REPRESENTATIVE ACTION**

**NOTICE OF MOTION AND MOTION
FOR AN ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND JUDGMENT**

Date: July 11, 2024

Time: 3:30 p.m.

Dept.: 403

Judge: Hon. Jonathan Skiles

JOSE MAGALLAN, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

SW INGREDIENTS HOLDINGS, LLC d/b/a
SPICE WORLD, INC., a Delaware Limited
Liability Company; and DOES 1 Through 10,
inclusive,

Defendants.

COHELAN KHOURY & SINGER

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Attorneys for Plaintiff Jose Magallan

PLEASE TAKE NOTICE that on July 11, 2024 at 3:30 p.m. or as soon as the matter may be heard in Department 403 of the B.F. Sisk Courthouse of above-captioned Court located at 1130 O Street, Fresno, California 93721-2220, the Honorable Jonathan Skiles presiding, Plaintiffs Jose Ernesto Lucas and Jose Magallan, on behalf of themselves and the putative Class, will move this Court for an Order Granting Final Approval of Class Action Settlement and Entering Judgment as set forth in the Class Action and PAGA Settlement Agreement (“Settlement Agreement”), filed with this Court on October 17, 2023 as Exhibit 1 to the Declaration of Isam C. Khoury in support of preliminary approval.

Plaintiff moves this Court to:

1. Finally adjudicate the settlement is fair, reasonable, and adequate;
2. Direct distribution of Individual Class Payments by the Settlement Administrator to all Participating Class Members in accordance with the Settlement Agreement;
3. Approve and direct payment to Class Counsel of a Class Counsel Fees Payment of \$141,666.67 and a Class Counsel Litigation Expenses Payment of \$27,636.56;
4. Approve and direct to Plaintiffs Jose Ernesto Lucas and Jose Magallan a Class Representative Service Payment of \$7,500.00 each;
5. Approve and direct payment to ILYM Group, Inc., the appointed Settlement Administrator, of an Administration Expenses Payment of \$8,600.00 for its fees and costs in administering the Settlement;
6. Approve and direct payment to California’s Labor and Workforce Development Agency of PAGA Penalties in the amount of \$3,750.00 (75% of \$5,000.00).
7. Approve and direct payment to the PAGA employees of PAGA Penalties in the amount of \$1,250.00 (25% of \$5,000.00); and
8. Direct the Clerk of the Court to enter final judgment, and without affecting the finality of the final judgment, to reserve the Court’s continuing jurisdiction over the Parties for the purposes of implementing, enforcing, or administering the terms of the Settlement Agreement.

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1 This motion is made on the grounds that the proposed Settlement, preliminarily approved
2 by this Court on February 21, 2024, is the product of arms'-length, good-faith negotiations, is
3 fair and reasonable to the Class, and should now be finally approved, as more fully discussed in
4 the accompanying Memorandum in Support of Final Approval of Class Action Settlement and
5 Entering Final Judgment.

6 This motion is based on this Notice of Motion, the Memorandum of Points and Authorities
7 in Support, Declarations of Class Counsel Isam C. Khoury, Emil Davtyan, and Kane Moon,
8 Declarations of Plaintiffs Jose Magallan and Jose Ernesto Lucas, Declaration of Makenna Snow
9 on behalf of ILYM Group, Inc., the Settlement Agreement, the Notice of Class Action
10 Settlement, the [Proposed] Order Granting Final Approval of Class Action Settlement and
11 Entering Judgment, the Court's files in this matter, including, but not limited to, the Motion for
12 Preliminary Approval of Class Action Settlement, and any other documents or evidence the
13 Court may consider at the hearing.

14 Respectfully submitted,

15 MOON LAW GROUP, PC

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17 Dated: June 17, 2024

18 By: Rosemary Khoury with permission
19 Kane Moon
20 Allen Feghali
21 Edwin Kamarzarian
22 Attorneys for Plaintiff Jose Ernesto Lucas

23 COHELAN KHOURY & SINGER
24 D.LAW, INC.

25
26 Dated: June 17, 2024

27 By: Rosemary Khoury
28 Isam C. Khoury
Michael D. Singer
Rosemary C. Khoury
Attorneys for Plaintiff Jose Magallan