

1 **JAMES HAWKINS APLC**
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7 Attorneys for Plaintiff, DAVID G. GAGNIER
On behalf of himself and all others similarly situated
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 DAVID D. GAGNIER, individually and
on behalf of all others similarly situated,
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14 Plaintiff,

15 vs.

16 SITEONE LANDSCAPE SUPPLY,
LLC, a Delaware Limited Liability
Company; and DOES 1-10, inclusive,
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18 Defendants.
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Case No. 8:21-cv-01834 CJC (DFMx)
Hon. Cormac J. Carney

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

Date: June 26, 2023
Time: 1:30 p.m.
Courtroom: 9B
Judge: Cormac J. Carney
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1 **TO EACH PARTY AND COUNSEL OF RECORD FOR EACH PARTY:**

2 YOU ARE HEREBY NOTIFIED THAT, on June 26, 2023 at 1:30 p.m. in
3 Courtroom 9B of the United States District Court, Central District of California,
4 located at 411 West Fourth Street, Santa Ana, California, Plaintiff David G. Gagnier
5 (“Plaintiff”), on behalf of himself and the proposed Class, will and hereby does move
6 the Court and respectfully requests, without opposition from Defendant SiteOne
7 Landscape Supply LLC (“Defendant”), that the Court grant preliminary approval of
8 the parties’ Class Action Settlement Agreement (“Settlement” or “Settlement
9 Agreement”).

10 Through this Motion, Plaintiff requests that the Court issue an order: granting
11 preliminary approval of the proposed Settlement; granting conditional certification of
12 the Class; appointing ILYM Group, Inc. as the Settlement Administrator; and
13 authorizing the mailing of the proposed Notice of Class Action Settlement. Plaintiff
14 also requests that the Court issue an order approving James R. Hawkins and Gregory
15 Mauro of James Hawkins, APLC as counsel for Plaintiff and the Class, and approving
16 Plaintiff as the Class Representative. Plaintiff further requests that the Court set a final
17 fairness and approval hearing for October 16, 2023 at 1:30 p.m..

18 This motion is made pursuant to Rule 23(e) of the Federal Rules of Civil
19 Procedure, which provides for court approval of the settlement of a purported class
20 action and allows the court to preliminarily certify a class for settlement purposes.
21 Plaintiff makes this motion on the grounds the Settlement is fair, adequate, and
22 reasonable, is well within the range of reasonableness for possible final approval, and
23 the notice procedures proposed by the parties are adequate to ensure the opportunity
24 for Class Members to participate in, opt out of, or object to the Settlement.

25 The Motion is based upon this notice of motion and motion for preliminary
26 approval of the Settlement, the memorandum of points and authorities concurrently
27 filed herewith in support thereof, along with the [Proposed] Order granting
28 preliminary approval of the Settlement and setting a final approval hearing, the

1 concurrently filed Declarations of Class Counsel James R. Hawkins, the Parties' Class
2 Action Settlement Agreement, attached as Exhibit 1 to the Hawkins Declaration, and
3 the Parties' proposed Notice of Class Action Settlement as Exhibit A to the
4 Settlement, the Declaration of Plaintiff David D. Gagnier, and the files and records in
5 this action, and any further evidence and argument that the Court may receive at or
6 before the hearing.

7 Pursuant to Local Rule 7-3, the parties' counsels have met and conferred, and
8 Defendant does not oppose this motion.

9 Respectfully submitted,

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11 Dated: May 23, 2023

JAMES HAWKINS, APLC

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13 /s/ Gregory Mauro
14 James R. Hawkins, Esq.
15 Gregory Mauro, Esq.
16 Michael Calvo, Esq.
17 Attorneys for Plaintiff
18 David G. Gagnier
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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2023 I electronically filed the foregoing with the Clerk of the Court for the U.S. District Court, for the Central District of California using the CM/ECF system. All participants are registered CM/ECF users, and will be served by the CM/ECF system.

Dated: May 23, 2023

/s/ Gregory Mauro
Gregory Mauro

PROOF OF SERVICE

(Via LWDA Website)

Labor and Workforce Development Agency

Attn: PAGA Administrator

1515 Clay Street, Ste. 801

Oakland, CA 94612

<http://www.dir.ca.gov/Private-Attorneys-General-Act>