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8 DEAN CRUMPLER, and all others similarly situated
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9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF FRESNO**
12 **(UNLIMITED JURISDICTION)**

13 DEAN CRUMPLER, on behalf of himself, all
14 others similarly situated, the general public, and
15 as an “aggrieved employee” on behalf of other
“aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

16 *Plaintiff(s),*

17 vs.

18 WESTCO EQUITIES, INC. DBA WESTCO
19 PROPERTY MANAGEMENT, a California
20 corporation; and DOES 1–50, inclusive,

21 *Defendant(s).*

Case No. 21CECG02993

**PLAINTIFF DEAN CRUMPLER’S
NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: March 15, 2023
Hearing Time: 3:30 p.m.
Hearing Dept.: 403, Jonathan M. Skiles

Action filed: October 07, 2021

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; and
3. [Proposed] Order



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ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

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1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on March 15, 2023 at 3:30 p.m., or as soon thereafter as
3 the matter may be heard, in Department 403 of the Fresno County Superior Court, located at 1130
4 "O" Street, Dept. 403, Fresno, CA 93724, Plaintiff Dean Crumpler ("Plaintiff") will and hereby
5 does move this Court for an order: (1) granting class certification of the Class solely for settlement
6 purposes pursuant to California Code of Civil Procedure section 382; (2) preliminarily approving
7 the Class Action and PAGA Settlement Agreement (the "Settlement")¹ between Plaintiff and
8 Defendant Westco Equities, Inc. dba Westco Property Management ("Defendant") (Plaintiff and
9 Defendant are collectively the "Parties), (3) appointing David Spivak of The Spivak Law Firm
10 and Walter L. Haines of United Employees Law Group as Class Counsel; (5) appointing Plaintiff
11 as Class Representative; (6) approving the use of the proposed notice procedures and related
12 forms; (7) directing that Notice Packet be mailed to the proposed Class; and (8) scheduling a
13 hearing date for motion for final approval of class action settlement and awards of attorneys' fees
14 and costs.

15 The "Class" or "Class Members" all persons employed by Defendant in California and
16 classified as hourly, non-exempt who worked for Defendant during the Class Period. "Class
17 Period" means the period from October 7, 2017 through September 17, 2022.

18 This Motion is made on the following grounds: (1) the Settlement Class meets all the
19 requirements for class certification for settlement purposes only under California Code of Civil
20 Procedure section 382; (2) Plaintiff and his counsel are adequate to represent the Settlement Class;
21 (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed claims in
22 view of Defendant's potential liability exposure as compared against the risks of continued
23 litigation; (4) the proposed notice procedures and related forms adequately apprise the Class
24 Members of their rights under the Settlement and fully comport with due process; and (5) in view
25 of the foregoing, notice should be disseminated to the Class Members and a hearing date for
26 motion for final approval of class action settlement, and awards of attorneys' fees and costs should

27 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak ("DS"), which is
28 submitted herewith under a separate cover.



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1 be set.

2 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
3 Points and Authorities, the Declaration of David Spivak, the Declaration of Walter L. Haines, all
4 papers and pleadings on file with the Court in this action, all matters judicially noticeable, and on
5 such oral and documentary evidence as may be presented in connection with the hearing on the
6 Motion.

7 Respectfully submitted,

8 THE SPIVAK LAW FIRM

9
10 Dated: February 21, 2023

By: 

DAVID G. SPIVAK
CAROLINE TAHMASSIAN,
Attorneys for Plaintiff, DEAN
CRUMPLER, and all others similarly
situated



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23
24 **SPIVAK LAW**

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