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8 BRANDY RUIZ, and all others similarly situated
9 (Additional attorneys for Plaintiff(s) on following page)

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN DIEGO**
13 **(UNLIMITED JURISDICTION)**

14 BRANDY RUIZ, on behalf of herself and as an
15 “aggrieved employee” on behalf of other
16 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

17 *Plaintiff,*

18 vs.

19 PRO CUSTOM SOLAR LLC DBA
20 MOMENTUM SOLAR, a New Jersey limited
liability company; and DOES 1–50, inclusive,

21 *Defendants.*

Case No. 37-2021-00040509-CU-OE-CTL

**NOTICE OF PLAINTIFF’S MOTION
AND MOTION FOR APPROVAL OF
PAGA SETTLEMENT**

Hearing Date: February 9, 2024
Hearing Time: 9:00 a.m.
Hearing Dept.: C-67, The Honorable
Eddie C. Sturgeon
Action filed: September 22, 2021
Trial Date: Not Set

**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 and Judgment Approving PAGA Settlement



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

2 PLEASE TAKE NOTICE that on February 9, 2024 at 9:00 a.m., or as soon thereafter as
3 the matter may be heard, in Department C-67 of the San Diego County Superior Court, located at
4 the Superior Court for the State of California, County of San Diego County, Hall of Justice, 330
5 West Broadway, San Diego, CA 92101-3827, Plaintiff Brandy Ruiz (“Plaintiff”) will and hereby
6 does move this Court for an order approving the PAGA SETTLEMENT AGREEMENT (the
7 “Settlement”)¹ between Plaintiff and Defendant PRO CUSTOM SOLAR LLC dba
8 MOMENTUM SOLAR (“Defendant”) (Plaintiff and Defendant are collectively the “Parties”).

9 The PAGA SETTLEMENT AGREEMENT is on behalf of Brandy Ruiz and all current
10 and former non-exempt call center representatives and/or canvassing employees who Defendant
11 employed in California at any time during the PAGA Period (the “PAGA Employees”). The
12 “PAGA Period” means the period from October 09, 2020 through August 3, 2023. Plaintiff
13 alleges that Defendant is liable to her and other PAGA Employees for unpaid wages,
14 unreimbursed business expenses, and any other Labor Code violations that were alleged in the
15 Action, or that reasonably could have been alleged in the Action based on the facts alleged in the
16 Action, which includes, but is not limited to, alleged violations of Labor Code sections , and 2698
17 *et seq.* (“PAGA Released Claims”).

18 The Plaintiff seeks division of the \$273,600.00 Gross Settlement Amount as follows:

Item	Amount
PAGA Counsel Fees Payment	\$91,200.00
PAGA Counsel Litigation Expenses Payment	up to \$20,000.00
Administration Expenses Payment	up to \$6,000.00
PAGA civil penalties (PAGA Penalties)	\$156,400.00
75% to LWDA	\$117,300.00
25% to PAGA Employees	\$39,100.00
Gross Settlement Amount	\$273,600.00

23 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
24 Points and Authorities, the declarations of David Spivak and Walter L. Haines, the PAGA
25 SETTLEMENT AGREEMENT, all papers and pleadings on file with the Court in this action, all
26 matters judicially noticeable, and on such oral and documentary evidence as may be presented in
27

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



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1 connection with the hearing on the Motion.

2 Respectfully submitted,

3 THE SPIVAK LAW FIRM

4
5 Dated: August 17, 2023

6 By: 
7 DAVID G. SPIVAK, Attorneys for
8 Plaintiff(s), BRANDY RUIZ
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