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DEJA NAIR, and all others similarly situated

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

15 DEJA NAIR, on behalf of herself, all others
16 similarly situated, the general public, and as an
17 “aggrieved employee” on behalf of other
18 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

19 *Plaintiff(s),*

20 vs.

21 MEDLINE INDUSTRIES, INC., an Illinois
22 corporation; MEDLINE INDUSTRIES
23 HOLDINGS, L.P., a Delaware limited
24 partnership; MEDLINE INDUSTRIES, LP, an
25 Illinois limited partnership; and DOES 1–50,
inclusive,

26 *Defendant(s).*
27
28

Case No. 2:22-CV-00331-DAD-JDP

**PLAINTIFF DEJA NAIR’S NOTICE
OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Action filed: 12/22/2021
Hearing Date: 05/18/2026
Hearing Time: 1:30 p.m.
Hearing Court: 4, 15th floor, The
Honorable Dale A.
Droz

**Submitted Herewith Under Separate
Cover:**

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



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

2 PLEASE TAKE NOTICE that on May 18, 2026 at 1:30 p.m., or as soon thereafter as the
3 matter may be heard, in Courtroom 4, 15th floor of the United States District Court for the Eastern
4 District of California, located at 501 I Street, Sacramento, CA 95814, Plaintiff Deja Nair
5 (“Plaintiff”) will and hereby does move this Court for an order: (1) granting class certification of
6 the Settlement Class solely for settlement purposes pursuant to Federal Rules of Civil Procedure
7 § 23; (2) preliminarily approving the Class Action and PAGA Settlement Agreement and Class
8 Notice (the “Settlement”)¹ between Plaintiff and Defendants Medline Industries, Inc., Medline
9 Industries, LP, and Medline Industries Holdings, L.P. (collectively “Defendants”) (Plaintiff and
10 Defendants are referred to below collectively as the “Parties”), (3) appointing David Spivak of
11 The Spivak Law Firm and Walter L. Haines of United Employees Law Group as Class Counsel;
12 (4) appointing Plaintiff as Class Representative (“Class Representative”); (5) approving the use
13 of the proposed notice procedures and related forms; (6) directing that notice be mailed to the
14 proposed Settlement Class; (7) finding the Settlement merits approval under the Private Attorneys
15 General Act of 2004; and (8) scheduling a hearing date for motion for final approval of class
16 action settlement and awards of attorneys’ fees and costs.

17 The “Class” consists of all persons employed by any Defendants in California and
18 classified as a non-exempt warehouse employee who worked in one or more of the positions listed
19 in Exhibit E attached to the Settlement Agreement during the Class Period. Settlement, ¶ 1.5.
20 “Class Member” or “Settlement Class Member” means a member of the Class, as either a
21 Participating Class Member or Non-Participating Class Member. Settlement, ¶ 1.9. “Class
22 Period” means the period from December 22, 2017 through the date the Court preliminarily
23 approves this class action settlement. Settlement, ¶ 1.12.

24 This Motion is made on the following grounds: (1) the Settlement Class meets all the
25 requirements for class certification for settlement purposes only under Federal Rules of Civil
26 Procedure § 23; (2) Plaintiff and her counsel are adequate to represent the Settlement Class; (3)

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 the Settlement reflects a fair, adequate, and reasonable compromise of all disputed claims in view
2 of Defendants' potential liability exposure as compared against the risks of continued litigation;
3 (4) the proposed notice procedures and related forms adequately apprise the Class Members of
4 their rights under the Settlement and fully comport with due process; (5) in view of the foregoing,
5 notice should be disseminated to the Class Members and a hearing date for motion for final
6 approval of class action settlement, and awards of attorneys' fees and costs should be set; and (6)
7 the Settlement is "fair, reasonable, and adequate in in view of PAGA's purposes." *Moniz v.*
8 *Adecco USA, Inc.*, 72 Cal. App. 5th 56, 77(2021), *disapproved of on other grounds by Turrieta v.*
9 *Lyft, Inc.*, 16 Cal. 5th 664 (2024).

10 The Motion is based on this Notice of Motion, the attached Memorandum of Points and
11 Authorities, the Declarations of David Spivak, Walter L. Haines, and Deja Nair, all papers and
12 pleadings on file with the Court in this action, all matters judicially noticeable, and on such oral
13 and documentary evidence as may be presented in connection with the hearing on the Motion.

14 Respectfully submitted,

15 THE SPIVAK LAW FIRM

16 Dated: April 13, 2026

17 By: /s/ David Spivak

18 DAVID G. SPIVAK, Attorneys for
19 Plaintiff, DEJA NAIR, and all others
20 similarly situated



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