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Attorneys for Plaintiff JAIME GONZALEZ,
on behalf of himself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

JAIME GONZALEZ, individually and on behalf
of himself and all others similarly situated,

Plaintiff,

v.

PROBUILD COMPANY, LLC, a Delaware
limited liability company, doing business as
DIXIELINE LUMBER & HOME CENTERS;
BUILDERS FIRSTSOURCE, INC., entity type
unknown; and DOES 1-50, inclusive,

Defendants.

Case No. CVRI2105278

Assigned for All Purposes To:
Hon. Harold W. Hopp
Dept.: 1

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

[Filed concurrently with Memorandum of
Points and Authorities, Declarations of Jaime
Gonzalez and James R. Hawkins, and
[Proposed] Order]

Date: December 13, 2024
Time: 8:30 a.m.
Dept.: 1

Complaint filed: November 19, 2021
Trial Date: None set

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2 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE** that on December 13, 2024 at 8:30 a.m., or as soon thereafter as this
4 matter may be heard in Department 1 of the Riverside County Superior Court, located at 4050 Main Street
5 Riverside, CA 92501, Plaintiff Jaime Gonzalez (“Plaintiff”), by and through his counsel of record, will
6 and hereby does move the Court for an order:

- 7 1. Provisionally certifying the Class for settlement purposes only;
- 8 2. Granting preliminary approval of the Class Action and PAGA Settlement Agreement
9 (“Settlement Agreement”) reached in this matter;
- 10 3. Approving as to form the Court Approved Notice of Class Action Settlement and Hearing
11 Date for Final Court Approval (“Class Notice”) and ordering that the Class Notice be distributed to all
12 Class Members;
- 13 4. Appointing named Plaintiff Jaime Gonzalez as the Class Representative;
- 14 5. Appointing Apex Class Action LLC as the Settlement Administrator;
- 15 6. Appointing James R. Hawkins, Christina M. Lucio, and Mitchell J. Murray of James
16 Hawkins APLC as Class Counsel; and
- 17 7. Setting this matter for a hearing on the issues of final approval of the proposed Settlement
18 Agreement, approval of the Class Representative Enhancement Payment, approval of Class Counsel’s
19 Fees Payment, approval of the PAGA Allocation, and approval of the Administration Expenses Payment.

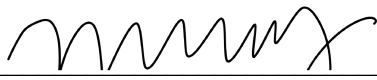
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21 This motion is brought pursuant to rule 3.769 of the California Rules of Court and Labor Code
22 section 2699(l)(2) on the grounds that the proposed Settlement Agreement was reached as a result of
23 informed arm’s-length negotiations and is within the range of reasonableness to be finally approved as
24 fair, adequate, and reasonable in all respects.

25 Plaintiff’s motion is based upon this Notice, the accompanying Memorandum of Points and
26 Authorities, the Parties’ Class Action and PAGA Settlement Agreement, the declaration of James R.
27 Hawkins, the accompanying exhibits, which are filed and served concurrently with this motion, all
28 pleadings and papers filed in this action, and upon any such other evidence or argument that may be

presented to the Court at the time of the hearing.

Dated: November 21, 2024

JAMES HAWKINS APLC

By: 

James R. Hawkins
Christina M. Lucio
Mitchell J. Murray

Attorneys for Plaintiff
Jaime Gonzalez