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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

KENNETH NGUYEN, on behalf of the
State of California, as a private attorney
general, and as an individual, on behalf of
himself and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

PORT PLASTICS, INC., a California
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.: **22CV394401**

[Consolidated with Case No. 22CV394403]

**NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: March 20, 2024

Hearing Time: 1:30 p.m.

Judge: Hon. Theodore C. Zayner

Dept.: 19

Action Filed: February 15, 2022

Trial Date: Not set

TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

YOU ARE HEREBY NOTIFIED THAT at 1:30 p.m. on March 20, 2024 in
Department 19 at the above entitled Court before the Honorable Theodore C. Zayner,
Plaintiff Kenneth Nguyen ("Plaintiff") will apply for an order: (1) preliminarily approving

1 the proposed settlement of this class action with Defendant Port Plastics, Inc. (“Defendant”);
2 (2) for settlement purposes only, conditionally certifying the Class, which is comprised of
3 “all individuals who are employed by or previously were employed by Defendant Port
4 Plastics, Inc. in California who were classified as non-exempt and/or hourly paid employees
5 and who worked at any time during the Class Period”, which is February 15, 2018 through
6 August 1, 2023; (3) provisionally appointing Plaintiff as the representative of the Class; (4)
7 provisionally appointing Norman B. Blumenthal, Kyle R. Nordrehaug, and Aparajit
8 Bhowmik of Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel; (5)
9 approving the form and method for providing class-wide notice; (6) directing that notice of
10 the proposed settlement be given to the class; (7) appointing ILYM Group as Administrator,
11 and (8) scheduling a final approval hearing date, proposed for August 14, 2024 which is at
12 least 120 days from preliminary approval, to consider Plaintiff’s motion for final approval of
13 the settlement and for approval of attorneys’ fees and expenses.

14 This unopposed motion for preliminary approval of the class settlement is brought
15 pursuant to California Rules of Court, rule 3.769. Plaintiff’s motion will be based on this
16 notice of motion and motion, the accompanying memorandum of points and authorities, the
17 Declaration of Kyle Nordrehaug, the Declaration of Plaintiff Kenneth Nguyen, the Class
18 Action and PAGA Settlement Agreement (“Agreement”) between the Parties, and the
19 complete files and records in this action. Because all Parties have agreed to the proposed
20 class settlement, this motion is not opposed by Defendant.

21 Respectfully submitted,

22 Dated: February 23, 2024

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

By: /s/ Kyle Nordrehaug
Kyle R. Nordrehaug, Esq.
Attorney for Plaintiff