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7 Attorneys for Plaintiff MARIO CABRAL, and all others similarly situated

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10 **(UNLIMITED JURISDICTION)**

11 MARIO CABRAL, on behalf of himself, all
12 others similarly situated, and the general
13 public, and as an "aggrieved employee" on
14 behalf of other "aggrieved employees"
15 under the Labor Code Private Attorneys
16 General Act of 2004,

17 *Plaintiff(s),*

18 vs.

19 SENTRY INSURANCE COMPANY and
20 DOES 1 to 25, inclusive,

21 *Defendant(s).*

Case No.: 22STCV21484

22 **NOTICE OF MOTION AND**
23 **PLAINTIFF'S UNOPPOSED MOTION**
24 **FOR PRELIMINARY APPROVAL OF**
25 **CLASS ACTION AND PAGA**
26 **SETTLEMENT**

27 Action filed: July 1, 2022
28 Hearing Date: December 13, 2023
Hearing Time: 9:00 a.m.
Hearing Dept: 54, Hon. Maurice A. Leiter

Submitted Herewith Under Separate Cover

1. Memorandum of Points and Authorities;
2. Declaration of Harout Messrelian;
3. Declaration of Mario Cabral; and
4. [Proposed] Order.

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

2 PLEASE TAKE NOTICE that on December 13, 2023 at 9:00 a.m., or as soon thereafter
3 as the matter may be heard, in Department 54 of the above-entitled court, located at 111 N. Hill
4 Street, Los Angeles, CA 90012, Plaintiff Mario Cabral (“Plaintiff”) will and hereby does move
5 this Court for an order: (1) granting class certification of the Class solely for settlement
6 purposes pursuant to Code of Civil Procedure § 382; (2) preliminarily approving Class Action
7 and PAGA Settlement Agreement (the “Settlement”)¹, (3) appointing Harout Messrelian of
8 Messrelian Law Inc. as Class Counsel; (4) appointing Plaintiff as class representative; (5)
9 approving the use of the proposed notice procedures and related forms; (6) directing that notice
10 be mailed to the proposed Settlement Class; and (7) scheduling a hearing date for motion for
11 final approval of class action settlement and awards of attorneys’ fees and costs.

12 The “Class Members” (collectively referred to as the “Settlement Class”) is defined as
13 all individual Defendants employed in California in an hourly, non-exempt position at any time
14 during the Class Period. The “Class Period” means the period from July 1, 2018 through the
15 date the Court grants preliminary approval of the Settlement.

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

25 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
26 Points and Authorities, the Declaration of Harout Messrelian, the Declaration of Mario Cabral,

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

1 all papers and pleadings on file with the Court in this action, all matters judicially noticeable,
2 and on such oral and documentary evidence as may be presented in connection with the hearing
3 on the Motion.

4 Respectfully submitted,

5 MESSRELIAN LAW INC.

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7 Dated: November 29, 2023

By: _____

8 HAROUT MESSRELIAN

9 Attorneys for Plaintiff, MARIO CABRAL
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