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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF SAN MATEO**

CHAMARIE SPEARS, an individual, and  
KATHLEEN LEONARD, an individual on  
behalf of herself and on behalf of all  
persons similarly situated,

Plaintiffs,

vs.

VITALANT, a Corporation; and DOES 1  
through 50, inclusive,

Defendants.

CASE NO.: **22-CIV-03291**

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

Hearing Date: March 21, 2024

Hearing Time: 9:00 a.m.

Judge: Hon. Susan L. Greenberg  
Dept.: 3

Action Filed: September 27, 2022

Trial Date: Not set

**TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

YOU ARE HEREBY NOTIFIED THAT at 9:00 a.m. on March 21, 2024 in  
Department 3 at the above entitled Court before the Honorable Susan L. Greenberg,  
Plaintiffs ChaMarie Spears and Kathleen Leonard ("Plaintiffs") will apply for an order:  
(1) preliminarily approving the proposed settlement of this class action with Defendant

1 Vitalant (“Defendant”); (2) for settlement purposes only, conditionally certifying the Class,  
2 which consists of both the California Class and the FCRA Class, with the California Class  
3 defined as all individuals who were employed by Defendant in California and classified as  
4 non-exempt at any time during the California Class Period, and the FCRA Class defined as  
5 all individuals who applied to work for Defendant who were classified as either exempt or  
6 non-exempt in the United States during the FCRA Class Period for whom background  
7 checks were run using the same federal FCRA form as that contained on page 2 of the forms  
8 provided to Plaintiff Spears; (3) provisionally appointing Plaintiffs as the representatives of  
9 the Class; (4) provisionally appointing Norman B. Blumenthal, Kyle R. Nordrehaug,  
10 Aparajit Bhowmik, Nicholas J. De Blouw, Jeffrey S. Herman, and Sergio J. Puche of  
11 Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel; (5) approving the form  
12 and method for providing class-wide notice; (6) directing that notice of the proposed  
13 settlement be given to the class; (7) appointing ILYM Group as Administrator, and  
14 (8) scheduling a final approval hearing date, proposed for July 25, 2024 which is at least 120  
15 days from preliminary approval, to consider Plaintiffs’ motion for final approval of the  
16 settlement and for approval of attorneys’ fees and expenses.

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

24 Respectfully submitted,

25 Dated: February 28, 2024

**BLUMENTHAL NORDREHAUG BHOWMIK  
DE BLOUW LLP**

26 By: /s/ Kyle Nordrehaug  
27 Kyle R. Nordrehaug, Esq.  
28 Attorney for Plaintiffs