

1 **BLUMENTHAL, NORDREHAUG & BHOWMIK**

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF SAN DIEGO**
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14 WESLEY PHILLIPS, an individual, on
behalf of himself and on behalf of all
15 persons similarly situated,

16 Plaintiff,

17 vs.

18 DI OVERNITE LLC, a Limited Liability
Company; and Does 1 through 50,
19 Inclusive,

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21 Defendants.
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CASE No. 37-2016-00016800-CU-OE-CTL

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

Hearing Date: December 15, 2017

Hearing Time: 10:30 a.m.

Judge: Hon. Judith F. Hayes

Department: 68

Action Filed: May 18, 2016

Trial Date: None Set

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

2 YOU ARE HEREBY NOTIFIED THAT at 10:30 a.m. on December 15, 2017 , or as
3 soon thereafter as the matter can be heard, in Department 68 of the above entitled Court
4 before the Honorable Judith F. Hayes, Plaintiffs Wesley Phillips, Thomas Harrington, Mario
5 Lopez, and Insinia Lesa ("Plaintiffs") will apply for an order (1) preliminarily approving the
6 proposed settlement of this class action with Defendant DI Overnite LLC("Defendant");
7 (2) approving the form and method for providing class-wide notice; (3) directing that notice
8 of the proposed settlement be given to the class; and (4) scheduling a final approval hearing
9 date to consider Plaintiffs' request for final approval of the settlement, entry of the
10 Judgment, and Plaintiffs' application for attorneys' fees and reimbursement of litigation
11 expenses.

12 Said Motion will be based on this notice, the accompanying points and authorities,
13 the Declaration of Norman Blumenthal, the Class Action Settlement Agreement
14 ("Agreement") between the parties, and the complete files and records in this action.
15 Because all parties have agreed to the proposed class settlement, this motion is not opposed
16 by Defendant.

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18 Dated: November 20, 2017 BLUMENTHAL, NORDREHAUG & BHOWMIK

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20 By: /s/ Norman Blumenthal
21 Norman Blumenthal
22 Attorneys for Plaintiffs
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