

James R. Hawkins (SBN 192925)
Christina M. Lucio (SBN 253677)
Mitchell J. Murray (SBN 285691)
JAMES HAWKINS APLC
9880 Research Drive, Suite 200
Irvine, California 92618
Telephone: (949) 387-7200
Facsimile: (949) 387-6676

Attorneys for Plaintiff BRAULIO JAVIER,
on behalf of himself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF

BRAULIO JAVIER, individually and on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

HELENA AGRI-ENTERPRISES, LLC a
Delaware Limited Liability Company;
HELENA CHEMICAL COMPANY, a
Delaware Corporation; and DOES 1-50,
inclusive,

Defendants.

Case No. 22CECG02269

[Consolidated with Case No. 22CECG03145]

CLASS AND REPRESENTATIVE ACTION

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF
CLASS AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: November 5, 2024

Time: 3:27 p.m.

Dept.: 502

Judge: Hon. Kristi Culver Kapetan

Complaint Filed: July 27, 2022

FAC Filed: November 14, 2022

Trial Date: None Set

1 **TO THE HONORABLE COURT, DEFENDANT, AND IT’S ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE THAT** on November 5, 2024, at 3:27 p.m., or as soon thereafter
4 as the matter may be heard, in Department 502 of the above-captioned court, located at the
5 Downtown Courthouse, located at 1100 Van Ness Avenue, Fresno, CA 93724-0002, before the
6 Honorable Kristi Culver Kapetan, Plaintiff Braulio Javier (“Plaintiff”), individually, and on behalf
7 of the members of the conditionally certified class and group of aggrieved employees he seeks to
8 represent, will and hereby does move this Court to (1) grant final approval of the Joint Stipulation
9 of Class and Representative Action Settlement reached between Plaintiff and Defendant Helena
10 Agri-Enterprises, LLC (“Defendant”) (collectively “the Parties”), the terms of which are set forth
11 in the Joint Stipulation and Settlement Agreement (“Settlement”) attached as **Exhibit 1** to the
12 supporting Declaration of James R. Hawkins (“Hawkins Decl.”); (2) certify the Class for Settlement
13 Purposes; (3) grant the requested settlement administration expenses to the Settlement
14 Administrator, ILYM Group, Inc., which administered the settlement; and (4) enter final judgement
15 substantially in the form of the proposed order submitted herewith. Plaintiff concurrently brings a
16 motion for approval of the Class Representative Service Award and Attorneys’ Fees and Costs.

17 The Settlement has thus far been successfully administered, and good cause exists for
18 granting the Motion and finding the Settlement and settlement administration expenses to be fair,
19 reasonable, and appropriate.

20 This motion is brought pursuant to California Rule of Court 3.769 and California Code of
21 Civil Procedure section 382, and is based on this Notice of Motion and Motion; the Memorandum
22 of Points and Authorities in support of this Motion; the Declarations of James R. Hawkins and
23 Christina M. Lucio in Support of Final Approval; as well as the Declaration of Plaintiff Braulio
24 Javier in Support of Final Approval; the Declaration of Nathalie Hernandez of Settlement
25 Administrator ILYM Group, Inc., the Proposed Order Granting Final Approval of Class and
26 Representative Action Settlement and Judgement thereon; all documents currently on file in this
27 action including without limitation those submitted in support of preliminary approval; the
28 arguments of counsel; and such other and further evidence as the Court may choose to entertain.

1 This motion is set to be heard concurrently with Plaintiff's Motion for Attorney's Fees and
2 Costs, and the Class Representative Service Award.

3
4 Dated: October 11, 2024

JAMES HAWKINS, APLC

5
6 By:



James R. Hawkins

Christina M. Lucio

Mitchell J. Murray

Attorneys for Plaintiff