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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF FRESNO

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

**NOTICE OF MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT
AGREEMENT, APPROVAL OF CLASS
NOTICE, AND CONDITIONAL
CERTIFICATION OF THE SETTLEMENT
CLASS**

[Filed concurrently with Memorandum of Points
and Authorities, Declaration of James Hawkins,
Declaration of Braulio Javier, and [Proposed]
Order]

Date: July 2, 2024

Time: 3:30 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 ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on July 2, 2024 at 3:30 p.m., in Department 502 of the
3 Superior Court of California, County of Fresno, located at the 1130 O Street, Fresno, CA 93724,
4 before the Hon. Kristi Culver Kapetan, or as soon thereafter as this matter can be heard, Plaintiff
5 Braulio Javier (“Plaintiff”) will and hereby does move this Court for an order:

6 1. Granting preliminary approval of the Joint Stipulation and Settlement Agreement
7 (“Settlement Agreement” or “Settlement”) reached between Plaintiff and Defendants Helena Agri-
8 Enterprises, LLC (“Defendant” or “Helena Agri”) attached as **Exhibit 1** to the Declaration of James
9 R. Hawkins;

10 2. Pursuant to California Code of Civil Procedure section 382, and for purposes of and
11 solely in connection with the Settlement, conditionally certifying a Class as defined in the
12 Settlement Agreement;

13 3. Appointing James Hawkins and Christina Lucio of James Hawkins, APLC as Class
14 Counsel;

15 4. Appointing Plaintiff Braulio Javier as the Class Representative;

16 5. Approving the form and content of the proposed Court Approved Notice of Class
17 Action Settlement and Hearing Date for Final Court Approval (“Class Notice”) (attached to the
18 Settlement Agreement as **Exhibit A**), and establishing a schedule for the dissemination of the Class
19 Notice to Class Members as well as the deadlines for Class Members to object to or opt out in
20 connection with the Settlement;

21 6. Finding the Class Notice is the best means practicable of providing notice under the
22 circumstances and when completed according to the terms of the Settlement Agreement shall
23 constitute due and sufficient notice of this Action, the Settlement Agreement, and the Final
24 Approval Hearing to all persons affected by and/or authorized to participate in the Settlement in
25 full compliance with California Rule of Court 3.769, California Code of Civil Procedure section
26 382, and the requirement of due process;

27 7. Appointing ILYM Group, Inc. as the Settlement Administrator;

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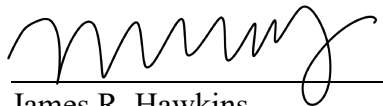
1 8. Granting the Preliminary Approval Order substantially in the form of the proposed
2 order submitted herewith;

3 9. Scheduling a hearing on final approval of the Settlement Agreement at which Class
4 Members may be heard, to determine all necessary matters concerning the Settlement, including
5 whether the Settlement is fair, adequate, and reasonable, whether this Court should grant final
6 approval, whether to grant Class Counsel's application for an award of fees and costs, and whether
7 to grant Plaintiff's application for a Class Representative Service Award Payment.

8 This motion is brought pursuant to California Rule of Court 3.769 and California Code of
9 Civil Procedure section 382, and is based on this Notice of Motion and Motion; the Memorandum
10 of Points and Authorities in support of the Motion; the Declaration of James Hawkins in Support
11 of Motion for Preliminary Approval; the Declaration of Braulio Javier in Support of Motion for
12 Preliminary Approval; all documents currently on file in this action; the arguments of counsel; and
13 such other and further evidence as the Court may choose to entertain.

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15 Dated: May 8, 2024

JAMES HAWKINS APLC

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18 James R. Hawkins
19 Christina M. Lucio
20 Mitchell J. Murray
21 Eric Tims

22 Attorneys for Plaintiff Braulio Javier,
23 individually and on behalf of all others
24 similarly situated
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