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8 SOPHIA SCHOENBERG, and all others similarly situated
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SANTA CLARA**

11 **(UNLIMITED JURISDICTION)**

12
13 SOPHIA SCHOENBERG, on behalf of herself
14 and all others similarly situated, and the general
15 public, and as an "Aggrieved Employee" on
the Private Attorneys General Act of 2004,

16 *Plaintiff(s),*

17 vs.

18 PM ENTERTAINMENT CORP., a California
19 corporation; PMP GROUP INC., a California
corporation; and DOES 2-50, inclusive,

20 *Defendant(s).*

Case No. 22CV402316

**PLAINTIFF SOPHIA
SCHOENBERG'S NOTICE OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date: **March 19, 2025**

Hearing Time: **1:30 p.m.**

Hearing Dept.: 19, Hon. Theodore C.
Zayner

Action filed: August 24, 2022

Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; and
3. [Proposed] Order



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ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

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

2 PLEASE TAKE NOTICE that on March 19, 2025 at 1:30 p.m. or as soon thereafter as the
3 matter may be heard, in Department 19 of the Santa Clara County Superior Court, located at
4 Downtown Superior Court, 191 North First Street, San Jose, CA 95113, Plaintiff Sophia
5 Schoenberg (“Plaintiff”) will and hereby does move this Court for an order: (1) granting class
6 certification of the Settlement Class solely for settlement purposes pursuant to California Code of
7 Civil Procedure section 382; (2) preliminarily approving the Class Action and PAGA Settlement
8 Agreement and Class Notice (the “Settlement”)¹ between Plaintiff and Defendants PM
9 Entertainment Corp. and PMP Group, Inc. (together “Defendants”) (Plaintiff and Defendants are
10 referred to below collectively as the “Parties), (3) appointing David Spivak of The Spivak Law
11 Firm and Walter L. Haines of United Employees Law Group as Class Counsel; (5) appointing
12 Plaintiff as Class Representative (“Class Representative”); (6) approving the use of the proposed
13 notice procedures and related forms; (7) directing that notice be mailed to the proposed Settlement
14 Class; and (8) scheduling a hearing date for motion for final approval of class action settlement
15 and awards of attorneys’ fees and costs.

16 The “Settlement Class” or “Class Members” consists of Defendants' California hourly,
17 non-exempt employees who worked at Pure Nightclub during the period of August 24, 2018 to
18 the date of preliminary court approval of the Class Action Settlement or some earlier date if
19 elected by Defendants in accordance with the Escalator clause. “Class Period” means the period
20 from August 24, 2018 through to the date of preliminary court approval of the Class Action
21 Settlement or some earlier date if elected by Defendants.

22 This Motion is made on the following grounds: (1) the Settlement Class meets all the
23 requirements for class certification for settlement purposes only under California Code of Civil
24 Procedure section 382; (2) Plaintiff and her counsel are adequate to represent the Settlement
25 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
26 claims in view of Defendants’ potential liability exposure as compared against the risks of

27 _____
28 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak (“DS”), which is
submitted herewith under a separate cover.



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1 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
2 Class Members of their rights under the Settlement and fully comport with due process; and (5)
3 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
4 for motion for final approval of class action settlement, and awards of attorneys' fees and costs
5 should be set.

6 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
7 Points and Authorities, the Declarations of David Spivak and Walter L. Haines, all papers and
8 pleadings on file with the Court in this action, all matters judicially noticeable, and on such oral
9 and documentary evidence as may be presented in connection with the hearing on the Motion.

10
11 Respectfully submitted,

12 THE SPIVAK LAW FIRM

13
14 Dated: October 29, 2024

15 By:



16 DAVID G. SPIVAK and LAUREN R.
17 DAVIS, Attorneys for Plaintiff,
18 SOPHIA SCHOENBERG, and all
19 others similarly situated
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