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10 Attorneys for Plaintiff,
11 CARLOS SIMON, and all others similarly situated
12 (additional attorneys listed on next page)

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SAN MATEO**
15 **(UNLIMITED JURISDICTION)**

16 CARLOS SIMON, on behalf of himself, and
17 all others similarly situated, and as an
18 “aggrieved employee” on behalf of other
19 “aggrieved employees” under the Labor Code
20 Private Attorneys General Act of 2004,

21 *Plaintiff(s),*

22 vs.

23 AIRPORT VAN RENTAL, INC., a California
24 corporation; YAZDAN IRANI, a natural
25 person; and DOES 1 through 50, inclusive,

26 *Defendant(s).*

Case No.: CIV536624

**NOTICE OF MOTION AND
PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Action filed: December 2, 2015
Hearing Date: December 27, 2017
Hearing Time: 1:30 p.m.
Hearing Dept.: 2, Hon. Marie S. Weiner

Submitted Herewith Under Separate Cover

1. Memorandum of Points and Authorities;
2. Declarations of David Spivak and Walter Haines; and
3. [Proposed] Order.



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ADDITIONAL ATTORNEY FOR PLAINTIFF

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

2 PLEASE TAKE NOTICE that on December 27, 2017 at 1:30 p.m., or as soon thereafter
3 as the matter may be heard, in Department 2 of the above-entitled court, located at 400 County
4 Center, Redwood City, California 94063, Plaintiff Carlos Simon ("Plaintiff") will and hereby
5 does move this Court for an order: (1) granting class certification of the Settlement Class solely
6 for settlement purposes pursuant to Code of Civil Procedure § 382; (2) preliminarily approving
7 the Stipulation of Class Action Settlement and Release (the "Settlement")¹; (3) appointing David
8 Spivak of The Spivak Law Firm and Walter Haines of United Employees Law Group as Class
9 Counsel; (4) appointing Plaintiff as Class Representative; (5) approving the use of the proposed
10 notice procedures and related forms; (6) directing that notice be mailed to the proposed Class;
11 and (7) scheduling a hearing date for motion for final approval of class action settlement and
12 awards of attorneys' fees and expenses.

13 "Class Members" (collectively referred to as the "Class") are all persons Defendants
14 Airport Van Rental, Inc. ("AVR" or "Airport Van Rental") and Yazdan "Yaz" Irani (collectively
15 "Defendants") employed in California as hourly employees, including rental agents, and in other
16 comparable positions at any time during the Class Period. For purposes of this Settlement, the
17 "Class Period" means December 15, 2011 through the date of preliminary approval of the
18 Settlement by the Court. The "Settlement Class Members" (collectively referred to as the
19 "Settlement Class") mean those Class Members who do not timely and validly exclude
20 themselves from the Settlement in accordance with the requirements set forth in the Settlement.

21 This Motion is made on the following grounds: (1) the Class meets all the requirements
22 for class certification for settlement purposes only under Code of Civil Procedure § 382; (2)
23 Plaintiff and his counsel are adequate to represent the Class; (3) the Settlement reflects a fair,
24 adequate, and reasonable compromise of all disputed claims in view of Defendants' potential
25 liability exposure as compared against the risks of continued litigation; (4) the proposed notice
26 procedures and related forms adequately apprise Class Members of their rights under the
27 Settlement and fully comport with due process; and (5) in view of the foregoing, notice should
28 be disseminated to Class Members and a hearing date for motion for final approval of class

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



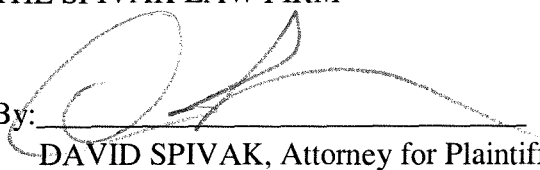
1 action settlement, and awards of attorneys' fees and expenses should be set.

2 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
3 Points and Authorities, the Declaration of David Spivak, all papers and pleadings on file with the
4 Court in this action, all matters judicially noticeable, and on such oral and documentary evidence
5 as may be presented in connection with the hearing on the Motion.

6 Respectfully submitted,

7 THE SPIVAK LAW FIRM

8 Dated: December 4, 2017

9 By: 
10 DAVID SPIVAK, Attorney for Plaintiff,
11 CARLOS SIMON
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1 PROOF OF SERVICE

2 State of California,
3 County of Los Angeles

4 1. I am a citizen of the United States and am employed in the County
5 of Los Angeles, State of California. I am over the age of 18 years, and not a
6 party to the within action. My business address is 16530 Ventura Blvd., Suite
7 312, Encino, California 91436.

8 2. I am familiar with the practice of The Spivak Law Firm, for
9 collection and processing of correspondence for mailing with the United
10 States Postal Service. It is the practice that correspondence is deposited
11 with the United States Postal Service the same day it is submitted for
12 mailing.

13 On Monday, December 04, 2017, I served the foregoing document described
14 as **NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS**
15 **ACTION SETTLEMENT** on interested parties by placing a true and correct copy
16 thereof enclosed in a sealed envelope, with postage fully prepaid, addressed
17 as follows:

18
19 Joel Perry Glaser, Esq.
20 Gillian Mellon, Esq.
21 JOEL GLASER APC
22 11300 W. Olympic Blvd., Suite 910
23 Los Angeles, CA 90064
24 joel@glaserlaw.org
25 gillian@glaserlaw.org

26 XXXX (BY OVERNIGHT DELIVERY) I enclosed the documents in an envelope or
27 package provided by an overnight delivery carrier and addressed to the
28 persons at the addresses above. I placed the envelope or package for
collection and overnight delivery at an office or a regularly utilized drop
box of the overnight delivery carrier.

19 Hon. Marie Weiner, Department 2
20 San Mateo Superior Court
21 Courtroom 2E
22 400 County Center
23 Redwood City, CA 94063
24 complexcivil@sanmateocourt.org

25 XXXX (BY EMAIL) Based on a court order, I caused the documents to be sent to
26 the persons at the electronic service addresses listed above from my
27 electronic service address breck@spivaklaw.com or boyama@spivaklaw.com.

28 EXECUTED on Monday, December 04, 2017, at Encino, California.

29 XXXX (State) I declare under penalty of perjury under the laws of the State
30 of California that the above is true and correct.

31 
32 BRECK OYAMA