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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN BERNARDINO**

11 **(UNLIMITED JURISDICTION)**

12
13 MARGARITA PEREZ and MARIA DE LA
14 LUNA HUERTA on behalf of themselves and all
15 others similarly situated, and the general public,
16 and as "Aggrieved Employees" on behalf of
17 other "Aggrieved Employees" and the State of
California under the Labor Code Private
Attorneys General Act of 2004,

18 *Plaintiff(s),*

19 vs.

20 WORKFORCE PERSONNEL, INC., California
21 Corporation; DIAMOND WIPES
22 INTERNATIONAL, INC., California
Corporation; and DOES 1–50, inclusive,

23 *Defendant(s).*

Case No. CIVSB2220822

**PLAINTIFF MARIA DE LA LUNA
HUERTA'S NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT
WITH DEFENDANT WORKFORCE
PERSONNEL, INC.**

Hearing Date: October 2, 2026

Hearing Time: 1:30 p.m.

Hearing Dept.: 17, The Honorable
Joseph T. Ortiz

Action filed: September 19, 2022

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak, Louis M. Benowitz, and Maria De La Luna Huerta; and
3. [Proposed] Order



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

2 PLEASE TAKE NOTICE that on October 2, 2026 at 1:30 p.m., or as soon thereafter as
3 the matter may be heard, in Department of the San Bernardino County Superior Court, located
4 at San Bernardino District – Civil Division, 247 West Third Street, Dept. S17, San Bernardino,
5 CA 92415-0210, Plaintiff Maria De La Luna Huerta (“Plaintiff”) will and hereby does move this
6 Court for an order: (1) granting class certification of the Settlement Class solely for settlement
7 purposes pursuant to California Code of Civil Procedure section 382; (2) preliminarily approving
8 the Class Action and PAGA Settlement Agreement and Class Notice (the “Settlement”)¹ between
9 Plaintiff and Defendant Workforce Personnel, Inc. (“Defendant”) (Plaintiff and Defendant are
10 referred to below collectively as the “Parties”)², (3) appointing David Spivak of The Spivak Law
11 Firm and Louis M. Benowitz of Benowitz Law Corporation as Class Counsel; (4) appointing
12 Plaintiff as Class Representative (“Class Representative”); (5) approving the use of the proposed
13 notice procedures and related forms; (6) directing that notice be mailed to the proposed Settlement
14 Class; and (7) 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 all individuals Defendant
17 Workforce Personnel, Inc. employed at Diamond Wipes International, Inc.’s Chino location as an
18 hourly, non-exempt employee during the Class Period. “Class Period” means the period from
19 September 19, 2018 through the date of preliminary approval of this Settlement.

20 This Motion is made on the following grounds: (1) the Settlement Class meets all the
21 requirements for class certification for settlement purposes only under California Code of Civil
22 Procedure section 382; (2) Plaintiff and her counsel are adequate to represent the Settlement
23 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
24

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

27 ² Defendant DIAMOND WIPES INTERNATIONAL, INC. is not a party to this settlement.
28 Plaintiff has entered into a separate class settlement agreement with Defendant DIAMOND
WIPES INTERNATIONAL, INC. which will also be presented to this Court for approval in a
separate motion. Named Plaintiff Margarita Perez is also not a Party to this settlement.



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

7 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
8 Points and Authorities, the Declarations of David Spivak, Louis M. Benowitz, and Maria De La
9 Luna Huerta, all papers and pleadings on file with the Court in this action, all matters judicially
10 noticeable, and on such oral and documentary evidence as may be presented in connection with
11 the hearing on the Motion.

12 Respectfully submitted,

13 THE SPIVAK LAW FIRM

14
15 Dated: September 9, 2026

16 By:



17 DAVID G. SPIVAK, Attorneys for
18 Plaintiff, Maria De La Luna Huerta, and
19 all others similarly situated



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21 EMPLOYEE RIGHTS

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