

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiffs Leo Hernandez Sr., Leo Hernandez Jr., Curtis Lupton, Gilberto Dedios, Alejandro Garcia, Justin Robinson, Jose Garcia Martinez, Eric Valadez, David Bergeron, and Jorge Gonzalez on behalf of themselves and all employees similarly situated.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BENITO**

LEO HERNANDEZ SR., LEO HERNANDEZ JR., CURTIS LUPTON, GILBERTO DEDIOS, ALEJANDRO GARCIA, JUSTIN ROBINSON, JOSE GARCIA MARTINEZ, ERIC VALADEZ, DAVID BERGERON, JORGE GONZALEZ, individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

WGS GROUP, INC., a Nevada corporation,
and DOES 1 through 10, inclusive,

Defendants.

Case No. CU-22-00225

*Assigned to the Honorable Patrick K. Palacios,
Dept. 3*

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

Date: March 6, 2024
Time: 3:30 p.m.
Dept: 3

AEGIS LAW FIRM, PC

SAMUEL A. WONG, State Bar No. 217104

KASHIF HAQUE, State Bar No. 218672

JESSICA L. CAMPBELL, State Bar No. 280626

JOSEPH M. SZILAGYI, State Bar No. 317450

Email: jcampbell@aegislawfirm.com

Email: jszilagyi@aegislawfirm.com

9811 Irvine Center Drive, Suite 100

Irvine, California 92618

Telephone: (949) 379-6250

Facsimile: (949) 379-6251

Attorneys for Plaintiff Julian Okiwelu, individually,
and on behalf of all others similarly situated.

1 **TO THE COURT, ALL INTERESTED PARTIES, AND THEIR RESPECTIVE**
2 **ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that on March 6, 2024 at 3:30 p.m., or as soon thereafter as the matter
4 may be heard in Department 3 of the above-entitled Court located at 450 Fourth Street Hollister, CA
5 95023, Plaintiffs Leo Hernandez Sr., Leo Hernandez Jr., Curtis Lupton, Gilberto Dedios, Alejandro
6 Garcia, Justin Robinson, Jose Garcia Martinez, Eric Valadez, David Bergeron, Jorge Gonzalez, and
7 Julian Okiwelu (“Plaintiffs”) will and hereby do move this Court for an Order:

- 8 1. Granting preliminary approval of the proposed Class Action and PAGA Settlement
9 Agreement and Class Notice (“Settlement Agreement” or “Agreement”);
- 10 2. Conditionally certifying the proposed Class for settlement purposes only;
- 11 3. Appointing Plaintiff Leo Hernandez Sr., Leo Hernandez Jr., Curtis Lupton, Gilberto Dedios,
12 Alejandro Garcia, Justin Robinson, Jose Garcia Martinez, Eric Valadez, David Bergeron,
13 Jorge Gonzalez, and Julian Okiwelu as the Class Representatives;
- 14 4. Appointing Aegis Law Firm, PC and Gaines & Gaines, APLC as Class Counsel;
- 15 5. Appointing Phoenix Settlement Administrators as the Settlement Administrator and
16 authorizing Phoenix Settlement Administrators to send notice of the Settlement to the Class
17 Members; and
- 18 6. Scheduling a final approval hearing date.

19 Pursuant to California Rules of Court 3.769(d) and (e), the Motion is made on the grounds that the
20 proposed Settlement Agreement satisfies all criteria for preliminary approval under California law and
21 falls well within the range of reasonableness; the Agreement was reached through informed, arms-
22 length bargaining between experienced attorneys, and Plaintiffs and Class Counsel will fairly and
23 adequately represent the Class Members.

24 //

25 //

26 //

27 //

28 //

1 The Motion is based on this Notice of Motion, Plaintiffs' Memorandum of Points and
2 Authorities in Support of Motion for Preliminary Approval of Class Action Settlement, the Declaration
3 of Counsel, and on all records and documents on file, together with such oral and documentary evidence
4 that may be presented at the hearing on this matter.

5
6
7 Dated: February 9, 2024

AEGIS LAW FIRM, PC

8
9 By:  _____

10 Joseph Szilagyi
11 Attorneys for Plaintiff
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28