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7 Attorneys for Plaintiff(s),

8 JUSTIN LOPEZ, and all others similarly situated

9 (Additional attorneys for Plaintiff(s) on following page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF LOS ANGELES**

12 **(UNLIMITED JURISDICTION)**

13 JUSTIN LOPEZ, on behalf of himself, all others
14 similarly situated, the general public, and as an
15 “aggrieved employee” on behalf of other
16 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

17 *Plaintiff(s),*

18 vs.

19 EDWARD WALTER SUNSERI, a natural
20 person doing business as Sunseri’s Bar and
21 Beverage Catering; MICHAEL SERENO, a
22 natural person; and DOES 1–50, inclusive,

23 *Defendant(s).*

Case No. 22STCV37939

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

Hearing Date: October 17, 2024

Hearing Time: 2:00 p.m.

Hearing Dept.: Dept. 14, The Honorable
Kenneth R. Freeman

Action filed: December 05, 2022

Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak, Walter L. Haines, and Justin Lopez; 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 17, 2024 at 2:00 p.m., or as soon thereafter as
3 the matter may be heard, in Department Dept. 14 of the Los Angeles County Superior Court,
4 located at Spring Street Courthouse, 312 North Spring Street, Los Angeles, CA 90012, Plaintiff
5 Justin Lopez (“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
7 of Civil Procedure section 382; (2) preliminarily approving the Class Action and PAGA
8 Settlement Agreement and Class Notice and Addendum to the Class Action and PAGA
9 Settlement Agreement and Class Notice (the “Settlement”)¹ between Plaintiff and Defendants
10 Edward Walter Sunseri and Michael Sereno (collectively “Defendants”) (Plaintiff and Defendants
11 are referred to below collectively as the “Parties), (3) appointing David Spivak of The Spivak
12 Law Firm and Walter L. Haines of United Employees Law Group as Class Counsel; (5)
13 appointing Plaintiff as Class Representative (“Class Representative”); (6) approving the use of
14 the proposed notice procedures and related forms; (7) directing that notice be mailed to the
15 proposed Settlement Class; and (8) scheduling a hearing date for motion for final approval of
16 class action settlement and awards of attorneys’ fees and costs.

17 The “Settlement Class” or “Class Members” consists of all employees of Defendants in
18 California and classified as an hourly, non-exempt employee who worked for Defendants during
19 the Class Period. “Class Period” means the period from December 6, 2018 through December 31,
20 2023.

21 This Motion is made on the following grounds: (1) the Settlement Class meets all the
22 requirements for class certification for settlement purposes only under California Code of Civil
23 Procedure section 382; (2) Plaintiff and his counsel are adequate to represent the Settlement Class;
24 (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed claims in
25 view of Defendants’ potential liability exposure as compared against the risks of continued
26 litigation; (4) the proposed notice procedures and related forms adequately apprise the Class
27

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



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

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

10 Respectfully submitted,

11 THE SPIVAK LAW FIRM

12
13 Dated: 05 / 01 / 2024

14 By:



15 DAVID G. SPIVAK, Attorneys for
16 Plaintiff, JUSTIN LOPEZ, and all
17 others similarly situated



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