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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
18 California under the Labor Code Private
19 Attorneys General Act of 2004,

20 *Plaintiff(s),*

21 vs.

22 WORKFORCE PERSONNEL, INC., California
23 Corporation; DIAMOND WIPES
24 INTERNATIONAL, INC., California
25 Corporation; and DOES 1–50, inclusive,

26 *Defendant(s).*

Case No. CIVSB2220822

**PLAINTIFF MARIA DE LA LUNA
HUERTA'S NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: July 6, 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 July 6, 2026 at 1:30 p.m., or as soon thereafter as the
3 matter may be heard, in Department 17 of the San Bernardino County Superior Court, located at
4 San Bernardino District – Civil Division, 247 West Third Street, Dept. S17, San Bernardino, CA
5 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 Diamond Wipes International, 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 Diamond Wipes International, Inc. employed directly at its Chino location as hourly, non-exempt
18 employees during the Class Period. “Class Period” means the period from July 25, 2019 through
19 the date of preliminary approval of this Settlement.³

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

24
25 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak (“DS”), which is
submitted herewith under a separate cover.

26 ² Defendant WORKFORCE PERSONNEL, INC. (“Workforce”) is not a party to this settlement.
27 Plaintiff has entered into a separate class settlement agreement with Defendant WORKFORCE
PERSONNEL, INC. which will also be presented to this Court for approval in a separate motion.
28 Named Plaintiff Margarita Perez is also not a Party to this settlement.

³ Any claims arising out of that period have already been released by the *Shasta Williams v. Diamond Wipes* class settlement, Los Angeles County Case Number BC679319.



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

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

13 Respectfully submitted,

14 THE SPIVAK LAW FIRM

15
16 Dated: June 9, 2026

17 By:



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



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