

1 DAVID GLENN SPIVAK (SBN 179684)

2 david@spivaklaw.com

3 LAUREN R. DAVIS (SBN 294115)

4 lauren@spivaklaw.com

5 THE SPIVAK LAW FIRM

6 8605 Santa Monica Bl

7 PMB 42554

8 West Hollywood, CA 90069

9 Telephone: (213) 725-9094

10 Facsimile: (213) 634-2485

11 Attorneys for Plaintiff(s),

12 NOHEMI GOMEZ, and all others similarly situated

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

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF SONOMA**

16 **(UNLIMITED JURISDICTION)**

17 NOHEMI GOMEZ, on behalf of herself, all  
18 others similarly situated, the general public, and  
19 as an “aggrieved employee” on behalf of other  
20 “aggrieved employees” under the Labor Code  
21 Private Attorneys General Act of 2004,

22 *Plaintiff(s),*

23 vs.

24 PAHAL FOOD SERVICE INC., a California  
25 corporation; F.H. BERRY ENTERPRISES,  
26 INC., a California corporation; and DOES 1–50,  
27 inclusive,

28 *Defendant(s).*

Case No. SCV-273124

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

Hearing Date: \_\_\_\_\_

Hearing Time: \_\_\_\_\_

Hearing Dept.: 19, Hon. Oscar A. Pardo

Action filed: April 21, 2023

**Submitted Herewith Under Separate  
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Louis M. Benowitz; and
3. [Proposed] Order



SPIVAK LAW  
EMPLOYEE RIGHTS

Mail:  
8605 Santa Monica Bl  
PMB 42554  
West Hollywood, CA 90069  
(213) 725-9094 Tel  
(213) 634-2485 Fax  
SpivakLaw.com

Office:  
1875 Century Park East  
Fl 7  
Los Angeles, CA 90067

**ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)**

LOUIS M. BENOWITZ (SBN 262300)

[louis@benowitzlaw.com](mailto:louis@benowitzlaw.com)

BENOWITZ LAW CORPORATION

8605 Santa Monica Boulevard

PMB 97638

West Hollywood, CA 90069

Telephone: (747) 233-2600 Work

Facsimile: (818) 839-9610

Attorneys for Plaintiff(s),

NOHEMI GOMEZ, and all others similarly situated



SPIVAK LAW  
EMPLOYEE RIGHTS

Mail:  
8605 Santa Monica Bl  
PMB 42554  
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(213) 725-9094 Tel  
(213) 634-2485 Fax  
[SpivakLaw.com](http://SpivakLaw.com)

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Fl 7  
Los Angeles, CA 90067

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

2 PLEASE TAKE NOTICE that on a date to be determined by the Court in Department 19  
3 of the Sonoma County Superior Court, located at Sonoma Superior Court, 600 Administration  
4 Avenue, Room 107J, Santa Rosa, CA 95403-2878, Plaintiff Nohemi Gomez (“Plaintiff”) will and  
5 hereby does move this Court for an order: (1) granting class certification of the Settlement Class  
6 solely for settlement purposes pursuant to California Code of Civil Procedure section 382; (2)  
7 preliminarily approving the Class Action and PAGA Settlement Agreement and Class Notice (the  
8 “Settlement”)<sup>1</sup> between Plaintiff and Defendants Pahal Food Service Inc. and F.H. Berry  
9 Enterprises, Inc. (collectively “Defendants”) (Plaintiff and Defendants are referred to below  
10 collectively as the “Parties), (3) appointing David Spivak of The Spivak Law Firm and Louis M.  
11 Benowitz of Benowitz Law Corporation as Class Counsel; (5) appointing Plaintiff as Class  
12 Representative (“Class Representative”); (6) approving the use of the proposed notice procedures  
13 and related forms; (7) directing that notice be mailed to the proposed Settlement Class; and (8)  
14 scheduling a hearing date for motion for final approval of class action settlement and awards of  
15 attorneys’ fees and costs.

16 The “Settlement Class” or “Class” consists of all persons employed by Defendants in  
17 California as a non-exempt employee during the Class Period. The Settlement Class will not  
18 include any person who previously settled or released any of the claims covered by this  
19 Settlement, or any person who previously was paid or received awards through civil or  
20 administrative actions for the claims covered by this Settlement. (Settlement ¶ 1.5) “The Class  
21 Period” means the period from April 21, 2019 through February 19, 2025.

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

27 \_\_\_\_\_  
28 <sup>1</sup> The Settlement is attached as Exhibit 1 to the Declaration of David Spivak (“DS”), which is  
submitted herewith under a separate cover.



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

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

10 Respectfully submitted,

11  
12 THE SPIVAK LAW FIRM

13  
14 Dated: August 21, 2025

15 By: 

16 DAVID G. SPIVAK  
17 LAUREN R. DAVIS, Attorneys for  
18 Plaintiff, NOHEMI GOMEZ, and all  
19 others similarly situated  
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