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7 Attorneys for Plaintiff(s),

8 KIMBERLY DAWN VANDERMOST, and all others similarly situated

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

11 **FOR THE COUNTY OF LOS ANGELES**

12 **(UNLIMITED JURISDICTION)**

13 KIMBERLY DAWN VANDERMOST, on
14 behalf of herself and all others similarly situated,
15 and the general public, and as an “aggrieved
16 employee” on behalf of other “aggrieved
17 employees” and the State of California under the
Labor Code Private Attorneys General Act of
2004,

18 *Plaintiff(s),*

19 vs.

20
21 DYWIDAG SYSTEMS INTERNATIONAL,
22 USA, INC., a New York corporation; and DOES
1–50, inclusive,

23 *Defendant(s).*

Case No. 23STCV06697

**PLAINTIFF KIMBERLY DAWN
VANDERMOST’S NOTICE OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date: February 5, 2026

Hearing Time: 10:00 a.m.

Hearing Dept.: SSC-7, The Honorable
Samantha P. Jessner

Action filed: March 28, 2023

Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declarations of David Spivak and Kimberly Dawn Vandermost; and
3. [Proposed] Order



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

2
3 PLEASE TAKE NOTICE that on February 5, 2026 at 10:00 a.m., or as soon thereafter as
4 the matter may be heard, in Department SSC-7 of the Los Angeles County Superior Court, located
5 at Spring Street Courthouse, 312 North Spring Street, Los Angeles, CA 90012, Plaintiff Kimberly
6 Dawn Vandermost ("Plaintiff") will and hereby does move this Court for an order: (1) granting
7 class certification of the Settlement Class solely for settlement purposes pursuant to California
8 Code of Civil Procedure section 382; (2) preliminarily approving the Class Action and PAGA
9 Settlement Agreement and Class Notice (the "Settlement")¹ between Plaintiff and Defendant
10 Dywidag Systems International, USA, Inc. ("Defendant") (Plaintiff and Defendant are referred to
11 below collectively as the "Parties), (3) appointing David Spivak of The Spivak Law Firm as Class
12 Counsel; (5) appointing Plaintiff as Class Representative ("Class Representative"); (6) approving
13 the use of the proposed notice procedures and related forms; (7) directing that notice be mailed to
14 the proposed Settlement Class; and (8) scheduling a hearing date for motion for final approval of
15 class action settlement and awards of attorneys' fees and costs.

16 The "Settlement Class" or "Class Members" consists of all persons whose employment
17 with Defendant terminated during the Class Period. "Class Period" means the period from March
18 28, 2020 through June 28, 2024.

19 This Motion is made on the following grounds: (1) the Settlement Class meets all the
20 requirements for class certification for settlement purposes only under California Code of Civil
21 Procedure section 382; (2) Plaintiff and her counsel are adequate to represent the Settlement
22 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
23 claims in view of Defendant's potential liability exposure as compared against the risks of
24 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
25 Class Members of their rights under the Settlement and fully comport with due process; and (5)
26 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
27 for motion for final approval of class action settlement, and awards of attorneys' fees and costs

28 ¹ 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 should be set.

2 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
3 Points and Authorities, the Declaration of David Spivak, and all papers and pleadings on file with
4 the Court in this action, all matters judicially noticeable, and on such oral and documentary
5 evidence as may be presented in connection with the hearing on the Motion.

6
7 Respectfully submitted,

8 THE SPIVAK LAW FIRM

9 Dated: September 23, 2025

10 By:



11 DAVID G. SPIVAK
12 LAUREN R. DAVIS, Attorneys for
13 Plaintiff, KIMBERLY DAWN
14 VANDERMOST, and all others
15 similarly situated
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