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8 HEATHER RODRIGUEZ, and all others similarly situated

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

11 **FOR THE COUNTY OF VENTURA**

12 **(UNLIMITED JURISDICTION)**

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

17 *Plaintiff(s),*

18 vs.

19 SCJM2, LLC, a California limited liability
20 company; and DOES 1–50, inclusive,

21 *Defendant(s).*

Case No. 2023CUOE008247

22 **PLAINTIFF HEATHER**
23 **RODRIGUEZ’S NOTICE OF**
24 **MOTION FOR PRELIMINARY**
25 **APPROVAL OF CLASS ACTION**
26 **SETTLEMENT**

Hearing Date: February 24, 2025
Hearing Time: 8:30 a.m.
Hearing Dept.: 42, The Honorable Henry
J. Walsh

Action filed: April 27, 2023
Trial Date: Not Set

27 **Submitted Herewith Under Separate**
28 **Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; 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 February 24, 2025 at 8:30 a.m., or as soon thereafter as
3 the matter may be heard, in Department 42 of the Ventura County Superior Court, located at
4 Ventura Courthouse (Hall of Justice), 800 South Victoria Avenue, Ventura, CA 93009, Plaintiff
5 Heather Rodriguez (“Plaintiff”) will and hereby does move this Court for an order: (1) granting
6 class certification of the Settlement Class solely for settlement purposes pursuant to California
7 Code of Civil Procedure section 382; (2) preliminarily approving the Class Action and PAGA
8 Settlement Agreement and Class Notice (the “Settlement”)¹ between Plaintiff and Defendant
9 SCJM2, LLC (“Defendant”) (Plaintiff and Defendant are referred to below collectively as the
10 “Parties), (3) appointing David Spivak of The Spivak Law Firm and Walter L. Haines of United
11 Employees Law Group as Class Counsel; (5) appointing Plaintiff as Class Representative (“Class
12 Representative”); (6) approving the use of the proposed notice procedures and related forms; (7)
13 directing that notice be mailed to the proposed Settlement Class; and (8) scheduling a hearing
14 date for motion for final approval of class action settlement and awards of attorneys’ fees and
15 costs.

16 The “Settlement Class” (or “Class Members” or Settlement Class Members”) consists of
17 all hourly, non-exempt employees of Defendant in California during the Class Period. Settlement,
18 ¶ 1.5. “Class Period” means the period from April 28, 2019 through the date of preliminary
19 approval of this class action settlement.

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 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
24 claims in view of Defendant’s potential liability exposure as compared against the risks of
25 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
26 Class Members or Settlement Class Members of their rights under the Settlement and fully

27
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 comport with due process; and (5) in view of the foregoing, notice should be disseminated to the
2 Class Members or Settlement Class Members and a hearing date for motion for final approval of
3 class action settlement, and awards of attorneys' fees and costs should be set.

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

8 Respectfully submitted,

9
10 THE SPIVAK LAW FIRM

11 Dated: January 24, 2025

12 By:



13 DAVID G. SPIVAK and LAUREN R.
14 DAVIS, Attorneys for Plaintiff,
15 HEATHER RODRIGUEZ, and all
16 others similarly situated



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