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

17 *Plaintiff(s),*

18 vs.

19
20 MORGAN COOKIE GROUP CULVER LLC, a
21 California limited liability company; MORGAN
COOKIE GROUP LLC, a California limited
22 liability company; MORGAN COOKIE
GROUP DOWNEY LLC, a California limited
23 liability company; CRUMBL LLC, a Utah
24 limited liability company; POCKETS SMITTY
LLC, a Utah limited liability company; and
25 DOES 1–50, inclusive,

26 *Defendant(s).*

Case No. 23STCV11939

**PLAINTIFF NATALIAH DEVOL
GREEN’S NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: June 18, 2025

Hearing Time: 10:00 a.m.

Hearing Dept.: Dept. 11, The Honorable
David S. Cunningham

Action filed: May 25, 2023

Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak, Benjamin J. Smith, Nataliah Devol Green, , and ; and
3. [Proposed] Order



SPIVAK LAW
EMPLOYEE RIGHTS

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ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

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

2 PLEASE TAKE NOTICE that on June 18, 2025 at 10:00 a.m., or as soon thereafter as the
3 matter may be heard, in Department Dept. 11 of the Los Angeles County Superior Court, located
4 at Spring Street Courthouse, 312 N. Spring Street, Los Angeles, CA 90012, Plaintiff Nataliah
5 Devol Green (“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 (the “Settlement”)¹ between Plaintiff and Defendants
9 MORGAN COOKIE GROUP CULVER LLC; MORGAN COOKIE GROUP LLC; MORGAN
10 COOKIE GROUP DOWNEY LLC; CRUMBL LLC; and POCKETS SMITTY LLC.
11 (“Defendants”) (Plaintiff and Defendants are referred to below collectively as the “Parties), (3)
12 appointing David Spivak of The Spivak Law Firm and Benjamin J. Smith of Smith Law as Class
13 Counsel; (5) appointing Plaintiff as Class Representative; (6) approving the use of the proposed
14 notice procedures and related forms; (7) directing that notice be mailed to the proposed Settlement
15 Class; and (8) scheduling a hearing date for motion for final approval of class action settlement
16 and awards of attorneys’ fees and costs.

17 The “Settlement Class” or “Class Members” consists of all persons employed or otherwise
18 contracted by (i) Pockets Smitty Two, LLC; (ii) Pockets Smitty Riverside, LLC; (iii) Pockets
19 Smitty Upland, LLC; (iv) Pockets Smitty Menifee, LLC; (v) Morgan Cookie Group, LLC; (vi)
20 Morgan Cookie Group Culver, LLC; (vii) Pockets Smitty Fontana, LLC; (viii) Morgan Cookies
21 Group Downey, LLC; (ix) Pockets Smitty Corona, LLC and/or (x) Pockets Smitty Rosemead,
22 LLC as non-exempt, hourly employees during the Class Period. “Class Period” means the period
23 from May 25, 2019 to the date of preliminary approval of this Settlement. Settlement, §§ 1.4 and
24 1.11.

25 This Motion is made on the following grounds: (1) the Settlement Class meets all the
26 requirements for class certification for settlement purposes only under California Code of Civil
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.



1 Procedure section 382; (2) Plaintiff and her counsel are adequate to represent the Settlement
2 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
3 claims in view of Defendants' potential liability exposure as compared against the risks of
4 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
5 Class Member of their rights under the Settlement and fully comport with due process; and (5) in
6 view of the foregoing, notice should be disseminated to the Class Members and a hearing date for
7 motion for final approval of class action settlement, and awards of attorneys' fees and costs should
8 be set.

9 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
10 Points and Authorities, the Declarations of David Spivak, Benjamin J. Smith, Nataliah Devol
11 Green, all papers and pleadings on file with the Court in this action, all matters judicially
12 noticeable, and on such oral and documentary evidence as may be presented in connection with
13 the hearing on the Motion.

14 Respectfully submitted,

15 THE SPIVAK LAW FIRM

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17 Dated: February 13, 2025

18 By:



19 DAVID G. SPIVAK, Attorneys for
20 Plaintiff, NATALIAH DEVOL
21 GREEN, and all others similarly
22 situated



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24 EMPLOYEE RIGHTS