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12 **Attorneys for Plaintiff Oscar Perez**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF SANTA CLARA**

15 **OSCAR PEREZ,**

16 **Plaintiff,**

17 **vs.**

18 **DGA SERVICES, INC. DBA JIT**
19 **TRANSPORTATION, a corporation, and**
20 **DOES 1-100, inclusive,**

21 **Defendants.**

Case No.: 23CV416653

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: December 11, 2024
Time: 1:30 pm
Dept: 3

22 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

23 **PLEASE TAKE NOTICE** that on December 11, 2024, at 1:30 pm in Department 3 of the
24 above-captioned court, located at 191 N. First Street, San Jose, California 95113, or as soon
25 thereafter as this matter may be heard, Plaintiffs Oscar Perez and Yari Landaverde ("Plaintiffs") shall
26 and hereby do move this Court for an order preliminarily approving the Class Action and PAGA
27 Settlement Agreement and Class Notice entered into between Plaintiffs and Defendant DGA
28 Services, Inc. dba JIT Transportation ("Motion"). The Motion respectfully requests the Court grant:

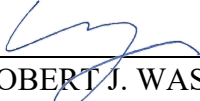
1. Preliminary approval of the settlement described in the proposed Class Action and
PAGA Settlement Agreement and Class Notice (“Settlement Agreement”);
2. Preliminary approval of the Settlement Agreement, finding it to be fair, reasonable,
adequate, and in the best interest of the Class;
3. Approval of Oscar Perez and Yuri Landaverde as Class Representatives;
4. Approval of Mayall Hurley, P.C. as Class Counsel;
5. Approval as to the form and content of the proposed Class Notice, a copy of which is
attached to the Settlement Agreement;
6. Approval as to the method of notice described in the Settlement Agreement;
7. Authorization for dissemination of the Class Notice pursuant to the terms of the
Settlement Agreement;
8. An order appointing and approving Atticus Administration, LLC as Claims
Administrator, and for preliminary approval of the costs of administration of the
Qualified Settlement Fund for an amount, as declared, not to exceed \$5,500;
9. Preliminary approval of the proposed PAGA allocation and payment to the LWDA;
10. Preliminary approval of Class Representative Service Payments in the amount of
\$2,000 to Plaintiff Oscar Perez and \$1,000 to Plaintiff Yuri Landaverde in
consideration for their service as Class Representatives;
11. Approval to apprise the Settlement Class of a request for fees to Class Counsel in the
amount of \$11,000 and declared costs of up to \$16,000;
12. An Order of Preliminary Approval containing a schedule for the implementation of the
terms of the Settlement Agreement, including deadlines for the mailing the notice, the
filing of opt-outs and/or objections, and the filing of papers in connection with the Final
Approval Hearing; and
13. An order setting the Final Approval Hearing for the Court to consider final approval of
the Settlement Agreement and its terms, as well as an award of attorneys’ fees and costs
for Class Counsel, and the Service Payments for Plaintiffs.

1 This Motion is based on the Notice of Motion; the Memorandum of Points and Authorities; the
2 Declaration of Vladimir J. Kozina, with exhibits (including the Settlement Agreement); the
3 Declaration of Oscar Perez; the Declaration of Yuri Landaverde, all of which are filed concurrently
4 with this motion; the pleadings, orders, and other papers on file in this matter; and any further
5 evidence and arguments as may be presented at the hearing of this matter.

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7 **MAYALL HURLEY P.C.**
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9 **DATED:** July 12, 2024

By


10 ROBERT J. WASSERMAN
11 JENNY D. BAYSINGER
12 VLADIMIR J. KOZINA
13 Attorneys for Plaintiffs
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