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Attorneys for Plaintiffs and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF CONTRA COSTA

GEROSKA GAY, PATRICIA YOUNG, PHILIP JACKSON, and VANESSA MARTINEZ,
individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

PREMIUM RETAIL SERVICES, LLC, a
Delaware limited liability company; PREMIUM
RETAIL SERVICES, INC., a Delaware
corporation; EZAT RAHIMI, an individual; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: C23-2216

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

DATE:

TIME:

DEPT: 39

Assigned to: Hon. Edward G. Weil
Action Filed: September 5, 2023
Trial Date: Unassigned

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

2 **PLEASE TAKE NOTICE** that on _____, at __a.m./p.m., or as soon thereafter as
3 they may be heard in Department 39 of the Superior Court of the State of California for the County
4 of Contra Costa, Plaintiffs Geroska Gay, Patricia Young, Philip Jackson, and Vanessa Martinez
5 (together collectively, “Plaintiffs”) on behalf of themselves and all others similarly situated and
6 aggrieved, will and hereby do move this Court for entry of an Order:

7 1. Preliminarily approving the settlement set forth in the Class and PAGA Representative
8 Action Settlement and Release (the “Settlement Agreement”),¹ as fair, reasonable and adequate
9 pursuant to Code of Civil Procedure Section 382;

10 2. Preliminarily approving payment of the Gross Settlement Amount of \$3,000,000.00,
11 pursuant to the Settlement Agreement as “within the ‘ballpark of reasonableness’” (*Kullar v. Foot*
12 *Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 133) and within the “‘reasonable range’ of the
13 settling party’s” liability (*see North County Contractors Assn. v. Touchstone Ins. Services* (1994) 27
14 Cal.App.4th 1085, 1089–1090);

15 3. Preliminarily approving PAGA penalties as fair, reasonable, and adequate in the amount
16 of \$150,000.00, seventy-five percent (75%), or \$112,500.00, of which will be paid to the Labor and
17 Workforce Development Agency out of the Gross Settlement Amount, and twenty-five percent
18 (25%), or \$37,500.00, of which will be distributed to PAGA Members;

19 4. Preliminarily certifying Plaintiffs Geroska Gay, Patricia Young, Philip Jackson, and
20 Vanessa Martinez and all individuals employed by Defendant as non-exempt, hourly employees who
21 fall under Defendant’s Representative job classification in California at any time between June 13,
22 2022 and September 26, 2024 (“Class Members”) pursuant to Code of Civil Procedure Section 382
23 for the purpose of settlement only;

24 5. Preliminarily certifying Plaintiffs Geroska Gay, Patricia Young, Philip Jackson, and
25 Vanessa Martinez and all Aggrieved Employees, who are defined as individuals employed by
26 _____

27 _____
28 ¹ A true and correct copy of the Settlement Agreement is attached with its exhibit(s) as Exhibit 1.

1 Defendant as non-exempt, hourly employees who fall under Defendant's Representative job
2 classification in California at any time between June 13, 2022 and September 26, 2024 and who had
3 at least one PAGA Pay Period pursuant to Code of Civil Procedure Section 382 for the purpose of
4 settlement only;

5 6. Preliminarily approving the Plaintiffs as Class Representatives of the Class Members;

6 7. Preliminarily approving Alexandra K. Piazza of Berger Montague PC, David Bibiyan
7 and Vedang J. Patel of Bibiyan Law Group, and David Yeremian, Roman Shkodnik, and Emma
8 Geesaman of D.Law Inc. as Class Counsel for the Class Members;

9 8. Approving the form and content of the Class Notice attached as Exhibit A to the
10 Settlement Agreement;

11 9. Appointing Apex Class Action ("Settlement Administrator" or "Apex") to administer the
12 Settlement, including distribution of the Class Notice, as set forth in the Settlement Agreement;

13 10. Directing the mailing of the Class Notice to the Class Members in accordance with the
14 procedures set forth in the Settlement Agreement and finding that the dissemination of the Class
15 Notice complies with the requirements of law and appears to be the best notice practicable under the
16 circumstances; and

17 11. Entering an Order preliminarily approving the Settlement consistent with the terms of the
18 Settlement Agreement and that sets the date for a Final Approval Hearing approximately 115 days
19 from the date of the Court's Order granting preliminary approval.

20 This motion for preliminary approval of the class settlement is brought pursuant to
21 California Rules of Court, rule 3.769. Plaintiffs' Motion will be based on this Notice of Motion, the
22 Memorandum of Points and Authorities filed herewith, the Declarations of Alexandra K. Piazza, Sean
23 Hartranft, David D. Bibiyan, and Roman Shkodnik, and the exhibits attached thereto, argument of
24 counsel and upon such other material contained in the file and pleadings of this action. The motion is
25 unopposed, as Defendant does not oppose the relief requested. To the extent the Court has any
26 additional questions or concerns regarding the settlement, the Parties respectfully request that the
27 Court schedule a hearing.

1 Dated: June 4, 2025

Respectfully submitted,



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