

D.LAW, INC.

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on behalf of himself and others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN JOAQUIN

JOHN PARDEE, on behalf of himself,
and others similarly situated, the State
of California, and the general public,

Plaintiff,

v.

HOLZ RUBBER COMPANY, INC., a
California corporation; HR
OUTSOURCING ASSOCIATES,
LLC, a Delaware corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: STK-CV-UOE-2023-0010123

CLASS ACTION

Assigned for All Purposes To:

Hon. Jayne Lee
Dept.: 10C

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

*[Filed concurrently with Memorandum of Points and
Authorities; Declaration of Enoch J. Kim;
Declaration of John Pardee; and [Proposed] Order]*

Date:
Time:
Dept.: 10C

Original Complaint Filed: September 25, 2023
First Amended Complaint Filed: November 29, 2023
Second Amended Complaint Filed: December 16,
2024
Trial Date: None Set

1 **TO THE COURT AND DEFENDANT AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on _____, at __:__ a.m./p.m. in Department 10C of
3 the Courthouse of the San Joaquin Superior Court located at 180 E. Weber Avenue, Stockton, CA
4 95202, Plaintiff John Pardee (“Plaintiff”), on behalf of himself and other similarly situated
5 employees of Defendant Holz Rubber Company, Inc. (“Defendant Holz Rubber”) and Defendant
6 HR Outsourcing Associates, LLC (“Defendant HR Outsourcing”) (hereinafter Defendant Holz
7 Rubber, and Defendant HR Outsourcing collectively referred to as “Defendants,” and Plaintiff and
8 Defendants collectively referred to as the “Parties”), will and hereby do move this Court pursuant
9 to California Code of Civil Procedure § 382 and California Rule of Court 3.769 for an order as
10 proposed:

11 (1) Preliminarily approving the class action settlement reached between Plaintiff and
12 Defendants, including granting preliminary approval of the following class: “all
13 persons employed by Defendants in California as a non-exempt employee from
14 September 25, 2019 through September 24, 2024.”

15 (2) Approving the form of Notice of Class Action Settlement and procedure for notice to
16 the class; and

17 (3) Setting the final approval hearing.

18 Pursuant to Labor Code § 2699.3(b)(4), the Parties also seek approval of the proposed
19 settlement’s allocation of funds to claims made under the Labor Code Private Attorneys General
20 Act of 2004 (“PAGA”).

21 Pursuant to the proposed Class Action and PAGA Settlement Agreement (“Settlement” or
22 “Settlement Agreement”), filed concurrently herewith, Defendants do not oppose the preliminary
23 approval of the class action settlement.

24 Under the terms of the Settlement, the Parties have agreed that all claims brought on
25 behalf of the Class Members shall be fully and finally resolved for the total sum of Six Hundred
26 Thousand Dollars and Zero Cents (\$600,000.00) (“Gross Settlement Amount” or “GSA”) to be
27 paid on a non-reversionary basis. The amount remaining of the Gross Settlement Amount after

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1 the following deductions have been made (“Net Settlement Amount”) shall be available for
2 distribution to Class Members who do not opt out of the settlement:

- 3 • Up to one-third (33% 1/3) of the GSA, or \$200,000.00, to Class Counsel for
4 Attorneys’ Fees, and up to \$20,000.00 to Class Counsel for reimbursement of
5 reasonable expenses incurred to prosecute the Action;
- 6 • Up to \$10,000.00 to Plaintiff as an Enhancement Award for service as the class
7 representative;
- 8 • Up to \$9,000.00 to the Settlement Administrator for its fees and costs to
9 administer the Settlement; and
- 10 • \$37,500.00 to the LWDA of the State of California for settlement of claims for
11 civil penalties under PAGA and \$12,500.00 as the Net PAGA Settlement Amount
12 to be paid to PAGA Members.

13 This Notice of Motion and Motion is based on the fact that this is a fair and reasonable
14 settlement that benefits the class and was the product of informed, non-collusive negotiations by
15 the parties who were represented by experienced and able counsel. *See Dunk v. Ford Motor Co.*
16 (1996) 48 Cal. App. 4th 1794, 1802; Manual for Complex Litigation (Second) (1985)§ 30.44. The
17 proposed settlement meets the legal standard for preliminary approval and is in the best interests
18 of the class; the proposed form of notice explains the settlement terms in a clear and
19 straightforward manner; the proposed procedures for notice provide the best practical notice to
20 the class; and that Class Members will have an opportunity to participate in and/or object to the
21 settlement and/or opt-out of the settlement.

22 This Notice of Motion and Motion is based on this Notice, the accompanying
23 Memorandum of Points and Authorities, the Declaration of Enoch J. Kim, the Declaration of John
24 Pardee, the pleadings, records and files in the case, and such other further oral and documentary
25 evidence which may be submitted at or before the hearing on this Motion.

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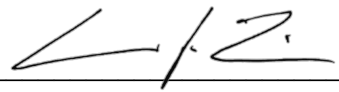
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1 Dated: March 20, 2025

Respectfully submitted,

2 D.LAW, INC.

3
4 By 

5 Emil Davtyan
6 David Yermian
7 Enoch J. Kim
8 David Arakelyan
9 Norayr Zakaryan
10 Attorneys for Plaintiff on behalf of himself
11 and others similarly situated
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