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on behalf of themselves and others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA**

DAWN JANOWSKI, on behalf of herself
and all others similarly situated, and the
general public,

Plaintiffs,

v.

J B MECHANICAL, INC., a California
corporation; MAS SERVICE, a business
entity of unknown form; MAS, INC., a
business entity of unknown form; JOHN
BILLHEIMER, an individual and DOES
1 through 50, inclusive,

Defendants.

Case No.: C23-02239

CLASS ACTION

Assigned for All Purposes To:
Hon. Edward G. Weil
Dept.: 39

**NOTICE OF MOTION AND PLAINTIFFS'
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 Jodey Lawrence; Declaration of
Jarret Gorlick; Declaration of Dawn Janowski;
and Declaration of Ellen Webb-Turner; and
[Proposed] Order]*

Date:
Time:
Dept.: 39

Original Complaint Filed: September 6, 2023
First Amended Complaint Filed: November 9, 2023
Second Amended Complaint Filed: May 20, 2024
Trial Date: None Set

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

2 PLEASE TAKE NOTICE that on _____, 2025, at ____ a.m. in Department 39 of the
3 Courthouse of the Contra Costa County Superior Court located at 725 Court Street, Martinez, CA
4 94553, Plaintiffs DAWN JANOWSKI and ELLEN WEBB-TURNER (“Plaintiffs”), on behalf of
5 themselves and other similarly situated employees of Defendants J B MECHANICAL, INC.
6 (“Defendant J B”) and Defendant JOHN BILLHEIMER (“Defendant Billheimer”) (together
7 referred to as “Defendants,” Defendants and Plaintiffs together referred to as the “Parties”), will
8 and hereby do move this Court pursuant to California Code of Civil Procedure § 382 and
9 California Rule of Court 3.769 for an order as proposed:

10 (1) Preliminarily approving the class action settlement reached between Plaintiffs and
11 Defendants, including granting preliminary approval of the following class: “all
12 persons employed by Defendant in California and classified as hourly, non-exempt
13 employees who worked for Defendant during the Class Period,” which is the period
14 from September 6, 2019, to the date the Court approves the Preliminary Approval
15 Motion.

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

18 (3) Setting the final approval hearing.

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

22 This Notice of Motion and Motion is based on the fact that this is a fair and reasonable
23 settlement that benefits the class and was the product of informed, non-collusive negotiations by
24 the parties who were represented by experienced and able counsel. *See Dunk v. Ford Motor Co.*
25 (1996) 48 Cal. App. 4th 1794, 1802; Manual for Complex Litigation (Second) (1985)§ 30.44. The
26 proposed settlement meets the legal standard for preliminary approval and is in the best interests
27 of the class; the proposed form of notice explains the settlement terms in a clear and
28 straightforward manner; the proposed procedures for notice provide the best practical notice to

1 the class; and that Class Members will have an opportunity to participate in and/or object to the
2 settlement and/or opt-out of the settlement. Defendants do not oppose the Motion.

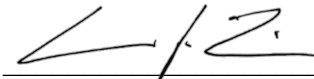
3 This Notice of Motion and Motion is based on this Notice, and the exhibits thereto
4 (including the Notice to Class Members), the accompanying Memorandum of Points and
5 Authorities, the Declaration of Enoch J. Kim, the Declaration of Jodey Lawrence, the Declaration
6 of Jarrett Gorlick, the Declaration of Dawn Janowski, the Declaration of Ellen Webb-Turner, the
7 pleadings, records and files in the case, and such other further oral and documentary evidence
8 which may be submitted at or before the hearing on this Motion.

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11 Dated: July 1, 2025

Respectfully submitted,

12 D.LAW, INC.

13
14 By



15 Emil Davtyan
16 David Yeremian
17 David Keledjian
18 David Arakelyan
19 Enoch J. Kim
20 Norayr Zakaryan
21 Attorneys for Plaintiffs on behalf of
22 themselves and others similarly situated
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