

D.LAW, INC.

Emil Davtyan (SBN 299363)

Emil@d.law

David Yeremian (SBN 226337)

d.yeremian@d.law

Enoch J. Kim (SBN 261146)

e.kim@d.law

Roman Shkodnik (SBN 285152)

r.shkodnik@d.law

Amanda Fazio (SBN 346350)

a.fazio@d.law

Emma Geesaman (SBN 352715)

e.geesaman@d.law

Norayr Zakaryan (SBN 356913)

n.zakaryan@d.law

450 N Brand Blvd, Suite 840

Glendale, CA 91203

Telephone: (818) 962- 6465

Facsimile: (818) 962-6469

Attorneys for Plaintiff Melissa Josephine Fluty,
on behalf of herself and others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SOLANO

MELISSA JOSEPHINE FLUTY, on behalf
of herself and others similarly situated,

Plaintiff,

v.

ZEPEXCO, INC. dba ZEPHYR EXPRESS, a
California Corporation; WINEBOW, INC.,
dba WINEBOW, a Delaware Corporation;
CENTRAL COAST WINE COMPANY, a
California Corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No.: CU23-05443

CLASS ACTION

Assigned for All Purposes

To: Hon. Christine A. Carringer, Dept 12

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

*[Filed concurrently with Memorandum of Points
and Authorities; Declarations Enoch J. Kim, and
Melissa Josephine Fluty; and [Proposed] Order
Granting Plaintiff's Motion for Preliminary
Approval]*

Date: August 13, 2025

Time: 8:30 a.m.

Dept.: 12

Original Complaint Filed: November 17, 2023

First Amended Complaint Filed: January 23, 2024

Trial Date: None Set

TO THE COURT AND DEFENDANT AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 13, 2025 at 8:30 a.m. in Department 12 of the Courthouse of the Solano Superior Court located at The Old Solano Courthouse, 580 Texas St, Fairfield, California 94533, Plaintiff Melissa Josephine Fluty (“Plaintiff”), on behalf of herself and all other similarly situated employees of Defendant Zepexco, Inc. dba Zephyr Express (“Defendant Zepexco”), Defendant Winebow, Inc. dba Winebow (“Defendant Winebow”), and Defendant Central Coast Wine Company (“Defendant Central Coast Wine”) (hereinafter Defendant Zepexco, Defendant Winebow, and Defendant Central Coast Wine collectively referred to as “Defendants,” and Plaintiff and Defendants collectively referred to as the “Parties”), will and hereby does move this Court pursuant to California Code of Civil Procedure § 382 and California Rule of Court 3.769 for an order as proposed:

1. Preliminarily approving the proposed class-wide settlement of this action as set forth in the Parties’ Class Action and PAGA Settlement Agreement (“Settlement Agreement”), which is attached as Exhibit 1 to the Declaration of Enoch J. Kim, filed herewith;

2. Conditionally granting certification of the Settlement Class solely for the purposes of settlement;

3. Approving the appointment of Apex Class Action LLC (“Apex” or “Settlement Administrator”) as Settlement Administrator;

4. Approving the form and method for providing notice to the Class Members and approving the form and content of the Parties’ proposed Notice of Class and PAGA Action Settlement (“Class Notice”) for sending to the Class Members (provided at Exhibit A to the Settlement Agreement);

5. Authorizing the Settlement Administrator to send the Class Notice to the Class Members;

6. Approving for mailing the Notice Packet, consisting of English and Spanish translations of the Court approved Class Notice, and directing that it be sent to the Class Members;

7. Appointing Plaintiff Melissa Josephine Fluty as Class Representative for settlement purposes only;

1 8. Appointing Emil Davtyan, David Yeremian, Enoch J. Kim, Roman Shkodnik,
2 Amanda Fazio, Emma Geesaman, and Norayr Zakaryan of D.Law, Inc. as Class Counsel for
3 settlement purposes only; and

4 9. Scheduling a Final Approval hearing date to consider the Parties' request for final
5 approval of the proposed Settlement and Plaintiff's application for attorneys' fees and costs.

6 10. Pursuant to Labor Code § 2699.3(b)(4), the Parties also seek approval of the proposed
7 Settlement's allocation of funds to claims made under Labor Code §§ 2698, *et seq.*, the Private
8 Attorneys General Act of 2004 ("PAGA").

9 This Motion is made on the grounds that after good-faith, arm's length negotiations, the
10 Parties have agreed upon a settlement which is fair, reasonable, and adequate and in the best interests
11 of the Class and all Parties. Defendants do not oppose the Motion. This Notice of Motion and Motion
12 is also based on the fact that this Settlement was the product of informed, non-collusive negotiations
13 by the Parties who were represented by experienced and able counsel. *See Dunk v. Ford Motor Co.*
14 (1996) 48 Cal. App. 4th 1794, 1802; Manual for Complex Litigation (Second) (1985) § 30.44. The
15 proposed Settlement meets the legal standard for preliminary approval and is in the best interests of
16 the Class; the proposed form of notice explains the Settlement terms in a clear and straightforward
17 manner; the proposed procedures for notice provide the best practical notice to the Class; and Class
18 members will have an opportunity to participate in and/or object to the Settlement and/or opt-out of
19 the Settlement.

20 This Motion is based upon this Notice of Motion, the accompanying Memorandum of Points
21 and Authorities, the Declaration of Class Counsel Enoch J. Kim, and the exhibits thereto (including
22 the Notice to Class Members), and the Declaration of Plaintiff Melissa Josephine Fluty submitted
23 with this Motion, the [Proposed] Order granting the Motion, the Court's record of this action, all
24 matters of which the Court may take notice, and upon such oral or documentary evidence as the
25 Court may receive at or before the hearing on this unopposed Motion.

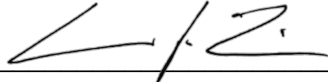
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1 DATED: March 18, 2025

D.LAW, INC.

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3 By 

4 David Yeremian
5 Roman Shkodnik
6 Enoch J. Kim
7 Amanda Fazio
8 Emma Geesaman
9 Norayr Zakaryan
10 Attorneys for Plaintiff and Settlement Class
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