

Robert Drexler (SBN 119119)
Robert.Drexler@CapstoneLawyers.com
Jonathan Lee (SBN 267146)
Jonathan.Lee@CapstoneLawyers.com
Capstone Law APC
1875 Century Park East, Suite 1860
Los Angeles, California 90067
Telephone: (310) 556-4811
Facsimile: (310) 943-0396

Mayall Hurley, P.C.
Vladimir J. Kozina (SBN: 284645)
vjkozina@mayallaw.com
Robert J. Wassermann (SBN: 258538)
rwasserman@mayallaw.com
William J. Gorham, III (SBN: 151773)
wgorham@mayallaw.com
112 S. Church Street
Lodi, California 95240
Telephone: (209) 477-3833
Facsimile: (209) 473-4818

Attorneys for Plaintiffs Michael Monteleone and Teresa Maciel

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

MICHAEL MONTELEONE, individually, and
on behalf of other members of the general
public similarly situated, and as an aggrieved
employee pursuant to the Private Attorneys
General Act ("PAGA"),

Plaintiff,

vs.

SCHELL & KAMPETER, INC., a Missouri
corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No.: STK-CV-UOE-2023-0011330

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

Date:
Time: 9:00 am
Dept: 10C

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

2 **PLEASE TAKE NOTICE** that on _____, 2025, at 9:00 am in Department 10C
3 of the above-captioned court, located at 180 E. Weber Avenue, Stockton California 95202, or as soon
4 thereafter as this matter may be heard, Plaintiffs Michael Monteleone and Teresa Maciel
5 (“Plaintiffs”) will and hereby do move this Court for an order preliminarily approving the Class
6 Action and PAGA Settlement Agreement and Release entered into between Plaintiffs and Defendant
7 Schell & Kampeter, Inc. (“Motion”). The Motion respectfully requests the Court grant:

- 8 1. Preliminary approval of the settlement described in the Class Action and PAGA
9 Settlement Agreement (“Settlement Agreement”), finding it to be fair, reasonable,
10 adequate, and in the best interest of the Class;;
- 11 2. Preliminary approval of Michael Monteleone and Teresa Maciel as Class
12 Representatives;
- 13 3. Preliminary approval of Capstone Law APC and Mayall Hurley, P.C. as Class Counsel;
- 14 4. Approval as to the form and content of the proposed Class Notice, a copy of which is
15 attached to the Settlement Agreement;
- 16 5. Approval as to the method of notice described in the Settlement Agreement;
- 17 6. Authorization for dissemination of the Class Notice pursuant to the terms of the
18 Settlement Agreement;
- 19 7. An order appointing and approving ILYM Group, Inc. as Claims Administrator, and for
20 preliminary approval of the costs of administration of the Qualified Settlement Fund for
21 an amount, as declared, not to exceed \$6,950.00;
- 22 8. Preliminary approval of the proposed PAGA allocation and payment to the LWDA;
- 23 9. Preliminary approval of Class Representative Enhancement Payments in the amount of
24 \$10,000 each to Plaintiffs in consideration for their service as Class Representatives;
- 25 10. Approval to apprise the Settlement Class of a request for fees to Class Counsel in the
26 amount of \$227,500.00 and declared costs of up to \$30,000;
- 27 11. An Order of Preliminary Approval containing a schedule for the implementation of the
28 terms of the Settlement Agreement, including deadlines for the mailing the notice, the

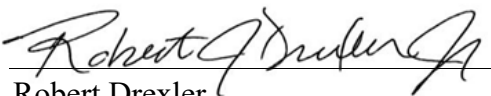
filing of opt-outs and/or objections, and the filing of papers in connection with the Final Approval Hearing; and

12. 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 Enhancement Payments for Plaintiffs.

This Motion is based on the Notice of Motion; the Memorandum of Points and Authorities; the Declaration of Vladimir J. Kozina, with exhibits (including the Settlement Agreement); the Declaration of Raul Perez; the Declaration of Lisa Mullins; the Declaration of Michael Monteleone; the Declaration of Teresa Maciel, all of which are filed concurrently with this motion; the pleadings, orders, and other papers on file in this matter; and any further evidence and arguments as may be presented at the hearing of this matter.

Dated: November 4, 2025

Capstone Law APC

By: 
Robert Drexler
Jonathan Lee

Mayall Hurley, P.C.

By: 
Vladimir J. Kozina
Robert J. Wassermann
William J. Gorham, III

Attorneys for Plaintiffs Michael Monteleone and
Teresa Maciel

PROOF OF SERVICE

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 112 S. Church St., Lodi, California 95240, that is located in the county where the delivery below took place.

On November 5, 2025, I served the following document:

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

addressed to:

Robert Drexler
Jonathan Lee
Robert Myong
Capstone Law APC
1875 Century Park East, Suite 1000
Los Angeles, CA 90067
Email: Robert.Drexler@CapstoneLawyers.com;
Jonathan.Lee@CapstoneLawyers.com;
Robert.Myong@CapstoneLawyers.com;
raul.perez@capstonelawyers.com;
eduardo.santos@capstonelawyers.com;
ryan.wu@capstonelawyers.com;
Sophia.Flores@capstonelawyers.com

*Attorneys for Plaintiffs Michael Monteleone and
Teresa Maciel*

John P. Nordlund
Christopher Moore
LITTLER MENDELSON, P.C.
501 W. Broadway, Suite 900
San Diego, CA 92101-3577
Email: jnordlund@littler.com;
CAMoore@littler.com;
LChristy@littler.com
*Attorneys for Defendant SCHELL &
KAMPETER, INC.*

☒ **BY EMAIL:** In accordance with Code of Civil Procedure Section 1010.6, and per the agreement of the parties to accept service by email, on the date specified below, I caused a copy of the document described above to be sent to the person(s) at the e-mail address(es) listed above. My business e-mail address is jzeyen@mayallaw.com.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 5, 2025, at Lodi, California.


JULIE ZEYEN