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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

TIMOTHY WOSICK, an individual on behalf of himself and all others similarly situated, Plaintiffs, vs. MARK THOMAS & COMPANY, INC., a California corporation; and DOES 1 through 50, inclusive, Defendants.	Case No.: 24CV429875 CLASS ACTION Assigned for All Purposes To: Hon. Beth McGowen Dept.: 22 **NOTICE OF MOTION AND PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT** Date: December 10, 2026 Time: 1:00 p.m.. Dept.: 22 Original Complaint Filed: January 26, 2024 FAC Filed: March 29, 2024 Trial Date: None Set

TO THE COURT, DEFENDANT, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 10, 2026, at 1:30 p.m. in Department 22 of the Courthouse of the Santa Clara Superior Court located at 191 N. First Street, San Jose, CA 95113-1090, Plaintiff Timothy Wosick ("Plaintiff"), on behalf of himself and other similarly situated employees of Defendant Mark Thomas & Company, Inc., a California corporation ("Defendant") (collectively, "the Parties"), will and hereby 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 ("Kim Decl."), filed concurrently herewith;

2. Approving the form and method for providing notice to the Class Members and approving the form and content of the Parties' proposed Court Approved Notice of Class Action Settlement and Hearing Date for Final Court Approval ("Class Notice") for sending to the Class Members (provided at **Exhibit A** to the Settlement Agreement);

3. Approving for mailing the Court approved Class Notice and directing that it be sent to the Class Members;

4. Appointing Plaintiff Timothy Wosick as Class Representative for settlement purposes only;

5. Appointing D.Law, Inc. as Class Counsel for settlement purposes only.

6. Scheduling a Final Approval hearing date to consider the Parties' request for Final Approval of the proposed Settlement and Plaintiffs' application for Class Counsel Fees Payment to Class Counsel for attorneys' fees, Class Counsel Litigation Expenses Payment to Class Counsel for reasonable expenses incurred in connection with this Action, and Class Representative Service Payment to Plaintiffs for their services in this Action.

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

This Motion is made on the grounds that, after good-faith, arm's-length negotiations, the

Parties have agreed upon a Settlement which is fair, reasonable, and adequate and in the best interests of the Class and all Parties. Defendant does not oppose the Motion. This Notice of Motion and Motion is also based on the fact that this Settlement was the product of informed, non-collusive negotiations by the Parties, who were represented by experienced and able counsel. *See Dunk v. Ford Motor Co.* (1996) 48 Cal. App. 4th 1794, 1802; Manual for Complex Litigation (Second) (1985) § 30.44. The proposed Settlement meets the legal standard for preliminary approval and is in the best interests of the Class; the proposed form of notice explains the Settlement terms in a clear and straightforward manner; the proposed procedures for notice provide the best practical notice to the Class; and Class Members will have an opportunity to participate in and/or object to the Settlement and/or opt-out of the Settlement.

This Motion is based upon this Notice of Motion, the accompanying Memorandum of Points and Authorities, the Declaration of Class Counsel Enoch J. Kim, the Declarations of Julie Green and Plaintiff Timothy Wosick submitted with this Motion, the [Proposed] Order Granting Plaintiffs' Motion for Preliminary Approval of Class Action and PAGA Settlement, the Court's record of this action, all matters of which the Court may take notice, and upon such oral or documentary evidence as the Court may receive at or before the hearing on this unopposed Motion.

DATED: November 16, 2026

D.LAW, INC.

By _____
Enoch J. Kim
Matthew Carraher
Attorneys for Plaintiff and Class