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on behalf of himself and others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

HUGO RAMIREZ, an individual on behalf
of himself and all others similarly situated,

Plaintiff,

vs.

AMERESCO, INC., a Delaware corporation;
BERNARD NICKELS, INC., a New York
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Lead Case No.: CIVSB2406892
(Consolidated with Case No.: CIVRS2400221)

CLASS ACTION

Assigned for All Purposes

Hon. Jay H. Robinson
Dept. S35

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

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

Date: September 15, 2025
Time: 8:30 a.m.

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

2 PLEASE TAKE NOTICE that on September 15, 2025 at 8:30 a.m., or as soon thereafter as
3 this matter may be heard, in Department 35 of the San Bernardino County Superior Court located
4 at 247 West 3rd Street, San Bernardino, California 92415, Plaintiff Hugo Ramirez (“Plaintiff”), on
5 behalf of himself and other similarly situated employees of Defendant Ameresco, Inc. and
6 Defendant Bernard Nickels, Inc. (“Defendants”) (collectively, “the Parties”), will and hereby
7 moves this Court pursuant to California Code of Civil Procedure § 382 and California Rule of Court
8 3.769 for an order:

- 9 (1) Preliminarily approving the proposed class-wide settlement of this action as set forth
10 in the Parties’ Class Action and PAGA Settlement Agreement (“Settlement
11 Agreement”), attached as Exhibit 1 to the Declaration of Enoch J. Kim filed herewith,
12 including the proposed settlement class consisting of “all current and former non-
13 exempt employees of Defendant Ameresco, Inc. employed by Defendant Ameresco in
14 the state of California at any time from February 27, 2020, through April 8, 2025, and
15 all current and former non-exempt employees placed at Defendant Ameresco by
16 Defendant Bernard Nickels, Inc. from February 27, 2020, through April 8, 2025”;
- 17 (2) Approving the proposed method for providing notice to the class and the form and
18 content of the Parties’ proposed Notice of Class Action Settlement and Hearing Date
19 for Final Court Approval (“Class Notice”);
- 20 (3) Appointing Plaintiff Hugo Ramirez as Class Representative for settlement purposes
21 only;
- 22 (4) Appointing Emil Davtyan, David Yeremian, Natalie Haritounian, Enoch J. Kim, and
23 Jonas Agle of D.Law, Inc. as Class Counsel for settlement purposes only;
- 24 (5) Appointing Apex Class Action Administration as the Settlement Administrator;
- 25 (6) Scheduling a Final Approval hearing date to consider the Parties’ request for Final
26 Approval of the proposed Settlement and Plaintiff’s application for attorneys’ fees and
27 costs; and
28

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

4 This Motion is made on the grounds that after good-faith, arm's length negotiations, the
5 Parties have agreed upon a Settlement which is fair, reasonable, and adequate, and in the best
6 interests of the Class and all Parties. Defendants do not oppose the Motion.

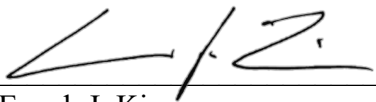
7 This Settlement was the product of informed, non-collusive negotiations by the Parties who
8 were represented by experienced and able counsel. *See Dunk v. Ford Motor Co.* (1996) 48 Cal.
9 App. 4th 1794, 1802; Manual for Complex Litigation (Second) (1985) § 30.44. The proposed
10 Settlement meets the legal standard for preliminary approval and is in the best interests of the Class;
11 the proposed form of notice explains the Settlement terms in a clear and straightforward manner;
12 the proposed procedures for notice provide the best practical notice to the Class; and Class members
13 will have an opportunity to participate in and/or object to the Settlement and/or opt-out of the
14 Settlement.

15 This Motion is based upon this Notice of Motion, the accompanying Memorandum of Points
16 and Authorities, the Declaration of Enoch J. Kim, the Declaration of Plaintiff Hugo Ramirez, the
17 [Proposed] Order granting the Motion, the Court's record of this action, all matters of which the
18 Court may take notice, and upon such oral or documentary evidence as the Court may receive at or
19 before the hearing on this unopposed Motion.

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21 Dated: July 18, 2025

Respectfully submitted,

22 D.LAW, INC.

23
24 By 
25 Enoch J. Kim
26 Attorneys for Plaintiff Hugo Ramirez, on behalf
27 of himself and others similarly situated
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