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7 Attorneys for Plaintiff(s),

8 ARLENE APODACA, and all others similarly situated

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF RIVERSIDE**

11 **(UNLIMITED JURISDICTION)**

12
13 ARLENE APODACA, on behalf of herself and
14 all others similarly situated, and the general
15 public, and as an “Aggrieved Employee” on
16 behalf of other “Aggrieved Employees” and the
State of California under the Private Attorneys
General Act of 2004,

17 *Plaintiff,*

18 vs.

19 R AND T OIL INCORPORATED, a California
20 corporation; RAFI BARTANIYAN, an
21 individual; THOMAS VARTANIAN, an
22 individual; and DOES 1–50, inclusive,
Defendants.

Case No. CVRI2402196

**PLAINTIFF ARLENE APODACA’S
NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: October 12, 2026

Hearing Time: 8:30 a.m.

Hearing Dept.: Dept. 1, The Honorable
Harold W. Hopp

Action filed: April 19, 2024

Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declarations of David Spivak, Mike Sutherland, and Arlene Apodaca; and
3. [Proposed] Order.



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1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on October 12, 2026, at 8:30 a.m., or as soon thereafter as
3 the matter may be heard, in Department 1 of the Riverside County Superior Court, located at
4 Riverside Historic Courthouse, 4050 Main Street, Riverside, CA 92501, Plaintiff Arlene Apodaca
5 ("Plaintiff") will and hereby does move this Court for an order: (1) granting class certification of
6 the Settlement Class solely for settlement purposes pursuant to California Code of Civil Procedure
7 section 382; (2) preliminarily approving the Class Action and PAGA Settlement Agreement and
8 Class Notice (the "Settlement")¹ between Plaintiff and Defendants R And T Oil Incorporated,
9 Rafi Bartaniyan, and Thomas Vartanian (collectively "Defendants") (Plaintiff and Defendants are
10 referred to below collectively as the "Parties"), (3) appointing David Spivak of The Spivak Law
11 Firm as Class Counsel; (4) appointing Plaintiff as Class Representative ("Class Representative");
12 (5) approving the use of the proposed notice procedures and related forms; (6) directing that notice
13 be mailed to the proposed Settlement Class; and (7) scheduling a hearing date for motion for final
14 approval of class action settlement and awards of attorneys' fees and costs.

15 The "Class" or "Class Members" means all persons employed by Defendants in California
16 and classified as non-exempt, hourly employees who worked for Defendants during the Class
17 Period. "Class Period" means the period from April 19, 2020, through the date of preliminary
18 approval of this Settlement. Settlement, sections 1.5 and 1.12.

19 This Motion is made on the following grounds: (1) the Settlement Class meets all the
20 requirements for class certification for settlement purposes only under California Code of Civil
21 Procedure section 382; (2) Plaintiff and her counsel are adequate to represent the Settlement
22 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
23 claims in view of Defendants' potential liability exposure as compared against the risks of
24 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
25 Class Members of their rights under the Settlement and fully comport with due process; and (5)
26 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date

27 _____
28 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak ("DS"), which is
submitted herewith under a separate cover.



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1 for motion for final approval of class action settlement, and awards of attorneys' fees and costs
2 should be set.

3 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
4 Points and Authorities, the Declarations of David Spivak, Mike Sutherland, and Arlene Apodaca,
5 all papers and pleadings on file with the Court in this action, all matters judicially noticeable, and
6 on such oral and documentary evidence as may be presented in connection with the hearing on
7 the Motion.

8 Respectfully submitted,

9
10 THE SPIVAK LAW FIRM

11 Dated: September 18, 2026

By: 

12 DAVID G. SPIVAK, Attorneys for
13 Plaintiff, ARLENE APODACA, and all
14 others similarly situated



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