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7 Attorneys for Plaintiff(s),
8 JONATHAN GUTIERREZ, JOSE RIVERA, OSCAR RAMIREZ, and GUSTAVO
GUTIERREZ, and all others similarly situated
9 (Additional attorneys for the Plaintiffs on following page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11
12 **FOR THE COUNTY OF SAN DIEGO**
(UNLIMITED JURISDICTION)

13 JONATHAN GUTIERREZ, JOSE RIVERA,
14 OSCAR RAMIREZ, and GUSTAVO
15 GUTIERREZ, on behalf of themselves and all
16 others similarly situated, and the general public,
and as “Aggrieved Employees” on behalf of other
17 “Aggrieved Employees” and the State of
California under the Labor Code Private
18 Attorneys General Act of 2004 under the Private
Attorneys General Act of 2004,

19 *Plaintiff(s),*

20 vs.

21
22 S & L OIL, INC., a California corporation;
23 GRANT ROAD GAS & AUTO CARE, LLC, a
California limited liability company; GREAT
24 AMERICA GAS & AUTO CARE, LLC, a
limited liability company; VIPAN K. GUPTA, an
25 individual; RAVI GUPTA, an individual; and
DOES 1-50, inclusive,

26 *Defendant(s).*
27
28

Case No. 37-2024-00018132-CU-OE-CTL

**PLAINTIFFS’ NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: February 11, 2027
Hearing Time: 9:00 a.m.
Hearing Dept.: C-69, The Honorable
Evan P. Kirvin
Action filed: April 17, 2024

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak, Walter L. Haines, Jonathan Gutierrez, Jose Rivera, Oscar Ramirez, and Gustavo Gutierrez; and
3. [Proposed] Order



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ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

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

2 PLEASE TAKE NOTICE that on February 11, 2027 at 9:00 a.m., or as soon thereafter as
3 the matter may be heard, in Department C-69 of the San Diego County Superior Court, located at
4 Hall of Justice, 330 W. Broadway, San Diego, CA 92101, plaintiffs Jonathan Gutierrez, Jose
5 Rivera, Oscar Ramirez, and Gustavo Gutierrez (collectively “Plaintiffs”) will and hereby do move
6 this Court for an order: (1) granting class certification of the Class solely for settlement purposes
7 pursuant to California Code of Civil Procedure section 382; (2) preliminarily approving the Class
8 Action and PAGA Settlement Agreement and Class Notice (the “Settlement”)¹ between Plaintiffs
9 and defendants S & L Oil, Inc., Vipin K. Gupta, and Ravi Gupta (collectively “Defendants”)
10 (Plaintiffs and Defendants are referred to below collectively as the “Parties”); (3) appointing David
11 Spivak of The Spivak Law Firm and Walter L. Haines of United Employees Law Group as Class
12 Counsel; (4) appointing Plaintiffs as Class Representatives; (5) approving the use of the proposed
13 notice procedures and related forms; (6) directing that notice be mailed to the proposed Class;
14 and (7) scheduling a hearing date for motion for final approval of class action settlement and
15 awards of attorneys’ fees and costs.

16 The settlement “Class” or “Class Members” consists of all persons employed by
17 Defendants in California and classified as non-exempt, hourly employees who worked for
18 Defendants during the Class Period. Settlement, § 1.5. “Class Period” means the period from
19 April 17, 2020 to March 22, 2026. Settlement, § 1.12.

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

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 be disseminated to the Class Members and a hearing date for motion for final approval of class
2 action settlement, and awards of attorneys' fees and costs 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, Walter L. Haines, Jonathan Gutierrez,
5 Jose Rivera, Oscar Ramirez, and Gustavo Gutierrez, all papers and pleadings on file with the
6 Court in this action, all matters judicially noticeable, and on such oral and documentary evidence
7 as may be presented in connection with the hearing on the Motion.

8 Respectfully submitted,

9
10 THE SPIVAK LAW FIRM

11 Dated: June 17, 2026

12 By: 

13 DAVID G. SPIVAK
14 CAROLINE TAHMASSIAN,
15 Attorneys for Plaintiffs, JONATHAN
16 GUTIERREZ, JOSE RIVERA,
17 OSCAR RAMIREZ, and GUSTAVO
18 GUTIERREZ, and all others similarly
19 situated
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