

Christina M. Lucio (SBN 253677)
christina@emplawllp.com
Mitchell J. Murray (SBN 285691)
mitchell@emplawllp.com
Nicholas W. Schieffelin (SBN 302329)
nick@emplawllp.com
EMPLAW, LLP
2235 Encinitas Boulevard, Suite 210
Encinitas, California 92024
Telephone: (760) 942-9433

Attorneys for Plaintiff PHILLIP POWELL, individually,
and on behalf of himself and all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF INYO**

PHILLIP POWELL and ANGEL
GONZALEZ, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

R & S BEVERAGE COMPANY LP, a
California limited partnership; and DOES 1
through 50, inclusive,

Defendants.

ELECTRONICALLY FILED

Superior Court of California,
Inyo County

04/30/2026 at 03:15:51 PM

By: Lili Felgar, Deputy Clerk

Case No. 24UC70842

Assigned for All Purposes to:
Hon. Stephen Place
Dept: 1

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT AGREEMENT,
APPROVAL OF NOTICE TO CLASS
MEMBERS, APPROVAL OF
SETTLEMENT ADMINISTRATOR,
AND SETTING HEARING FOR FINAL
APPROVAL OF SETTLEMENT**

DATE: JUNE 12, 2026

TIME: 1:00 PM

COMPLAINT FILED: JUNE 7, 2024

FAC FILED: APRIL 10, 2026

1 Roman Otkupman (SBN 249423)
2 roman@olfla.com
3 Nidah Farishta (SBN 312360)
4 nidah@olfla.com
5 OTKUPMAN LAW FIRM, A LAW CORPORATION
6 5743 Corsa Ave., Suite 123,
7 Westlake Village, CA 91362
8 Telephone: (818) 293-5623
9 Facsimile: (818) 850-1310
10
11 Attorneys for Plaintiff ANGEL GONZALEZ,
12 individually and on behalf of other persons similarly situated
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

2 **NOTICE IS HEREBY GIVEN** that on June 12, 2026 at 1:00 p.m. or as soon thereafter
3 as the matter may be heard, in Department 1 of the Inyo County Superior Court at the Independence
4 Courthouse located at 168 North Edwards Street, Independence, CA 93526, before the Honorable
5 Stephen Place, Plaintiffs Phillip Powell and Angel Gonzalez (“Plaintiffs”), through their
6 undersigned Class Counsel, will and hereby do move the Court for entry of the Order Granting
7 Plaintiffs’ Motion for Preliminary Approval of the Class Action and PAGA Settlement Agreement
8 filed concurrently herewith:

- 9 1. Provisionally certifying the following Class for purposes of settlement: all persons who
10 are or were employed by Defendant R&S Beverage Company (“Defendant”) as exempt
11 and non-exempt employees in the State of California at any time during the period from
12 June 7, 2020 through the date of preliminary approval (“Class Period”).
- 13 2. Preliminarily appointing Plaintiffs as Class Representatives for purposes of settlement
14 only;
- 15 3. Appointing Christina M. Lucio, Mitchell J. Murray, and Nicholas W. Schieffelin of
16 EmpLaw, LLP and Roman Otkupman and Nidah Farishta of Otkupman Law Firm as
17 Class Counsel for purposes of settlement;
- 18 4. Preliminarily approving the class action portion of the settlement as fair, adequate, and
19 reasonable, and approving the PAGA portion of the Settlement based upon the terms
20 set forth in the Class Action and PAGA Settlement Agreement (the “Settlement”),
21 including payment by Defendant of the non-reversionary Gross Settlement Amount of
22 \$277,500.00;
- 23 5. Preliminarily approving payment of reasonable attorneys’ fees and costs from the Gross
24 Settlement Amount in an amount of up to 33 1/3% of the Gross Settlement Amount
25 (\$92,500.00), plus actual litigation costs up to \$16,640.00;
- 26 6. Preliminarily approving the Class Representatives’ Service Payments to Plaintiffs in
27 an amount of \$2,500.00 each from the Gross Settlement Amount to compensate them
28

1 for the burden, responsibility, time, effort, and risk involved in coming forward on
2 behalf of the Class and for their general releases of claims broader than the Class
3 release;

- 4 7. Approving payment to the LWDA of 75% of the \$15,500.00 allocated to PAGA
5 penalties, totaling \$11,625.00, from the Gross Settlement Amount;
- 6 8. Preliminarily approving Apex Class Action LLC as the Settlement Administrator and
7 further approving distribution of up to \$5,790.00 from the Gross Settlement Amount to
8 cover the Settlement Administrator's expenses in administering this Settlement;
- 9 9. Directing distribution to the Class of the Notice of Class Action and PAGA Settlement
10 (the "Class Notice"), including notice of the opportunity to exclude oneself from, or
11 object to, the Settlement (except for its PAGA component); and
- 12 10. Setting a date for a final fairness hearing to determine, following dissemination of
13 Notice to the Class, whether to grant final approval to the Settlement.

14 This Motion is based upon this Notice of Motion and Motion; the Memorandum of Points
15 and Authorities in Support thereof; the Declarations of Christina M. Lucio, Esq., Roman
16 Otkupman, Esq., Phillip Powell, Angel Gonzalez, and Anthony Rogers of Apex Class Action LLC
17 in support thereof; the Class Action and PAGA Settlement Agreement; the Proposed Order
18 Granting Preliminary Approval of the Class Action and PAGA Settlement Agreement; all other
19 records, pleadings, and papers filed in this Action; and upon such other evidence or argument as
20 may be presented to the Court at the hearing of this Motion.
21

22
23 Respectfully submitted,

24 **EMPLAW, LLP**

25 Dated: April 30, 2026

26 By: /s/ Nicholas Schieffelin

27 Christina Lucio, Esq.

28 Mitchell J. Murray, Esq.

Nicholas Schieffelin, Esq.

OTKUPMAN LAW FIRM

Dated: April 30, 2026

By: /s/ Roman Otkupman

Roman Otkupman, Esq.
Nidah Farishta, Esq.

Attorneys for Plaintiffs and the Putative Class