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Attorneys for Plaintiff Angel Cuellar

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

ANGEL CUELLAR, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

NEW BERN TRANSPORT
CORPORATION, a Delaware Corporation;
PEPSI-COLA SALES AND
DISTRIBUTION, INC., a Delaware
Corporation; PEPSICO, INC., a North
Carolina Corporation; and Does 1-10,
Inclusive,

Defendants.

Case No. STK-CV-UOE-2024-0008803
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Robert T. Waters
Department 11B

CLASS ACTION

**NOTICE OF MOTION AND PLAINTIFF'S
[UNOPPOSED] MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: TBD
Time: 9:00 a.m.
Dept.: 11B

Complaint filed: July 25, 2024
Trial Date: Not set

1 PLEASE TAKE NOTICE, on _____, at 9:00 a.m., or as soon as
2 the matter may be heard in Department 11B of the above-captioned court, located at 180 East
3 Weber Avenue, Stockton, California 95202, the Honorable Robert T. Waters presiding, Plaintiff
4 ANGEL CUELLAR (“Plaintiff”), on behalf of himself and others similarly situated and
5 aggrieved, will move this Court for an Order:

6 1. Preliminarily approving the Class and Representative Action Settlement as fair,
7 adequate, and reasonable based upon the terms set forth in the Settlement Agreement and
8 Release of Class and PAGA Claims (“Agreement”), including payment by New Bern Transport
9 Corporation, Pepsi-Cola Sales and Distribution, Inc., Pepsico, Inc. (“Defendants”) of the Gross
10 Settlement Amount of \$999,999.00;

11 2. Conditionally certifying the case as a class action for settlement purposes only;

12 3. Approving the Court Approved Notice of Class Action Settlement (“Class
13 Notice”) to be mailed to all Class Members advising them of the pendency of Class Action,
14 proposed Settlement, manner and procedure to submit requests for exclusion and objections to
15 the Settlement, automatic payment of their share of the Net Settlement Amount without the need
16 to return a claim form, date set for the Final Approval hearing, and of the right to appear at the
17 Hearing;

18 4. Appointing Isam C. Khoury, Michael D. Singer, and Maggie K. Realin of
19 Cohelan Khoury & Singer; Emil Davtyan of D.Law, Inc.; and David Mara and Jill Vecchi of the
20 Mara Law Firm, PC as Class Counsel;

21 5. Appointing Plaintiff Angel Cuellar as Class Representative;

22 6. Appointing Apex Class Action Administration as the Settlement Administrator;
23 and

24 7. Setting a hearing date to consider final approval of the Settlement.

25 This motion is made based on this Notice; Points and Authorities; Declarations of Class
26 Counsel, Isam C. Khoury, Maggie K. Realin, Emil Davtyan, and David Mara; Declaration of
27 Class Representative Angel Cuellar; Declaration of Sean Hartranft on behalf of Apex Class
28 Action Administration; the Agreement; [Proposed] Order Granting Motion for Preliminary

1 Approval of Class and Representative Action Settlement; the Court's files; and such other
2 evidence the Court may consider.

3 Respectfully submitted,

4 COHELAN KHOURY & SINGER
5 D.LAW, INC.
6 MARA LAW FIRM, PC

7 Dated: February 12, 2026

8 By:  _____
9 Maggie K. Realin
10 Attorneys for Plaintiff Angel Cuellar, on
11 behalf of himself and all others similarly situated
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