

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)

shani@zakaylaw.com

Jackland K. Hom (State Bar #327243)

jackland@zakaylaw.com

Rachel Newman (State Bar #350826)

rachel@zakaylaw.com

Jennifer M. Gerstenzang (State Bar #279810)

jenny@zakaylaw.com

Jaclyn Joyce (State Bar #285124)

jaclyn@zakaylaw.com

5440 Morehouse Drive, Suite 3600

San Diego, CA 92121

Telephone: (619) 255-9047

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)

jlapuyade@jcl-lawfirm.com

5440 Morehouse Drive, Suite 3600

San Diego, CA 92121

Telephone: (619) 599-8292

Attorneys for Plaintiff FIDEL GOMEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF TULARE

FIDEL GOMEZ, an individual, on behalf of
himself, and on behalf of all persons similarly
situated,

Plaintiffs,

v.

KIRBY MANUFACTURING, INC., a
California corporation; and DOES 1-50,
Inclusive,

Defendants.

Case No. VCU308341

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

Date: June 16, 2025

Time: 8:30 a.m.

Judge: Hon. Gary Johnson

Dept.: 7

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

2 PLEASE TAKE NOTICE that on June 16, 2025, at 8:30 a.m., or as soon thereafter as counsel
3 may be heard, in Department 7 of the Tulare Superior Court, the Honorable Gary Johnson presiding,
4 plaintiff FIDEL GOMEZ will, and hereby does, move this Court to:

5 1. Preliminarily approve the settlement described in the Stipulation of Settlement of Class
6 and PAGA Action Claims and Release of Claims (“Agreement”) attached as Exhibit 1 to the
7 Declaration of Jackland K. Hom, Esq. filed concurrently herewith;

8 2. Conditionally certify the Settlement Class;

9 3. Approve distribution of the proposed Notice of Class Action Settlement to the
10 Settlement Class;

11 4. Appoint Plaintiff FIDEL GOMEZ as the Class Representative;

12 5. Appoint the Jean-Claude Lapuyade of the JCL Law Firm, APC and Shani Zakay of the
13 Zakay Law Group, APLC as Class Counsel; and

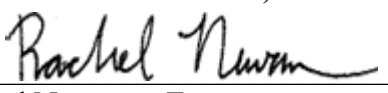
14 7. Set a hearing date for final approval of the settlement.

15 This Motion is based upon: (1) this Notice of Motion; (2) the Memorandum of Points and
16 Authorities in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement; (3)
17 the Declaration of Jackland K. Hom, Esq.; (4) the Declaration of Jean-Claude Lapuyade, Esq.; (5) the
18 Declaration of Shani O. Zakay, Esq.; (6) the forthcoming Declaration of Fidel Gomez; (7) the
19 Declaration of the Settlement Administrator; (8) the Class Action and PAGA Settlement Agreement
20 and exhibit attached thereto; (9) the [Proposed] Order Granting Preliminary Approval of Class Action
21 and PAGA Settlement and exhibits attached thereto; (10) the records, pleadings, and papers filed in
22 this action; and (11) upon such other documentary and oral evidence or argument as may be presented
23 to the Court at or prior to the hearing of this Motion.

24 As this Motion is unopposed, the Parties respectfully request relief from the page limit
25 requirement set by California Rules of Court, Rule 3.1113(d).

26 Dated: May 19, 2025

ZAKAY LAW GROUP, APLC

27 By: 
28 Rachel Newman, Esq.
Attorneys for Plaintiff