

1 DAVID GLENN SPIVAK (SBN 179684)
david@spivaklaw.com
2 CAROLINE TAHMASSIAN (SBN 285680)
caroline@spivaklaw.com

3 THE SPIVAK LAW FIRM
4 8605 Santa Monica Bl
PMB 42554
5 West Hollywood, CA 90069
Telephone: (213) 725-9094
6 Facsimile: (213) 634-2485

7 Attorneys for Plaintiff(s),
8 ARMANDO ASCENCIO, and all others similarly situated

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**
11 **(UNLIMITED JURISDICTION)**

12
13 ARMANDO ASCENCIO, on behalf of himself
and all others similarly situated, and as an
14 “aggrieved employee” on behalf of other
15 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

16 *Plaintiff(s),*

17 vs.

18
19 MONARCH LITHO INC., a California
corporation, ROBERT LOPEZ, a natural
20 individual; and DOES 1–50, inclusive,

21 *Defendant(s).*

Case No. 24STCV27524

**PLAINTIFF ARMANDO ASCENCIO’S
NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: October 9, 2025
Hearing Time: 10:30 a.m.
Hearing Dept.: 12, The Honorable
Carolyn B. Kuhl

Action filed: October 21, 2024
Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak, Armando Ascencio, and Evelyn Zarraga; and
3. [Proposed] Order.



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1875 Century Park East
Fl 7
Los Angeles, CA 90067

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

2 PLEASE TAKE NOTICE that on October 9, 2025 at 10:30 a.m., or as soon thereafter as
3 the matter may be heard, in Department 12 of the Los Angeles County Superior Court, located at
4 Spring Street Courthouse, 312 N. Spring Street, Los Angeles, CA 90012, Plaintiff Armando
5 Ascencio (“Plaintiff”) will and hereby does move this Court for an order: (1) granting class
6 certification of the Settlement Class solely for settlement purposes pursuant to California Code
7 of Civil Procedure section 382; (2) preliminarily approving the Class Action and PAGA
8 Settlement Agreement and Class Notice (the “Settlement”)¹ between Plaintiff and Defendants
9 Monarch Litho Inc. and Robert Lopez (“Defendants”) (Plaintiff and Defendants are referred to
10 below collectively as the “Parties), (3) appointing David Spivak and Caroline Tahmassian of The
11 Spivak Law Firm as Class Counsel; (5) appointing Plaintiff as Class Representative; (6)
12 approving the use of the proposed notice procedures and related forms; (7) directing that notice
13 be mailed to the proposed Settlement Class; and (8) scheduling a hearing date for motion for final
14 approval of class action settlement and awards of attorneys’ fees and costs.

15 The “Settlement Class” or “Class Members” consists of all persons Defendants employed
16 in California as non-exempt, hourly employees who worked for Defendants during the Class
17 Period. Settlement, § 1.5. “Class Period” means the period from October 21, 2020 through the
18 date the Court preliminarily approves this class action settlement. Settlement, § 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 his counsel are adequate to represent the Settlement Class;
22 (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed claims in
23 view of Defendants’ potential liability exposure as compared against the risks of continued
24 litigation; (4) the proposed notice procedures and related forms adequately apprise the Class
25 Members of their rights under the Settlement and fully comport with due process; and (5) in view
26 of the foregoing, notice should be disseminated to the Class Members and a hearing date for
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.



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1875 Century Park East
Fl 7
Los Angeles, CA 90067

1 motion for final approval of class action settlement, and awards of attorneys' fees and costs should
2 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, Armando Ascencio, and Evelyn
5 Zarraga, and all papers and pleadings on file with the Court in this action, all matters judicially
6 noticeable, and on such oral and documentary evidence as may be presented in connection with
7 the hearing on the Motion.

8 Respectfully submitted,

9
10 THE SPIVAK LAW FIRM

11 Dated: July 24, 2025

12 By:



13 DAVID G. SPIVAK, Attorneys for
14 Plaintiff, ARMANDO ASCENCIO, and
15 all others similarly situated



22 SPIVAK LAW
23 EMPLOYEE RIGHTS

24 Mail:
25 8605 Santa Monica Bl
26 PMB 42554
27 West Hollywood, CA 90069
28 (213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1875 Century Park East
Fl 7
Los Angeles, CA 90067