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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF RIVERSIDE**

JULIO C. HERNANDEZ, an individual, on  
behalf of himself, and on behalf of all persons  
similarly situated,

Plaintiff,

vs.

BREAKFAST CLUB LLC, a California limited  
liability company, and DOES 1-50, Inclusive,

Defendants.

Case No. CVRI2203757

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

Date: December 5, 2023

Time: 8:30 a.m.

Judge: Hon. Harold W. Hopp

Dept.: 1

Reservation ID: 256835660622

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

PLEASE TAKE NOTICE that on December 5, at 8:30 a.m., or as soon thereafter as counsel may be heard, in Department 1 of the Riverside Superior Court, the Honorable Judge Harold Hopp presiding, Plaintiff JULIO C. HERNANDEZ will, and hereby does, move this Court to:

1. Preliminarily approve the settlement described in the Stipulation of Settlement of Class Action Claims and Release of Claims ("Agreement") attached as Exhibit A to the Declaration of Jean-Claude Lapuyade filed concurrently herewith;
2. Conditionally certify the Settlement Class;
3. Approve distribution of the proposed Notice of Pendency of Class Action Settlement and Final Hearing Date to the Settlement Class;
4. Appoint Plaintiff JULIO C. HERNANDEZ as the Class Representative;
5. Appoint the JCL Law Firm, APC and Zakay Law Group, APC as Class Counsel; and
7. Set a hearing date for final approval of the settlement.

This Motion is based upon: (1) this Notice of Motion and Motion; (2) the Memorandum of Points and Authorities in Support of Motion for Preliminary Approval of Class and PAGA Action Settlement; (3) the Declaration of Jean-Claude Lapuyade, Esq.; (4) the Declaration of Shani O. Zakay, Esq.; (5) the Declaration of Dorceli Rivas; (6) the Declaration of Julio C. Hernandez; (7) the Stipulation of Settlement of Class Action Claims and Release of Claims and exhibit attached thereto; (8) the [Proposed] Order Granting Preliminary Approval of Class and PAGA Action Settlement and exhibits attached thereto; (9) the records, pleadings, and papers filed in this action; and (10) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

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

Dated: November 8, 2023

**JCL LAW FIRM, APC**

By:   
Jean-Claude Lapuyade  
Attorneys for Plaintiff

# Court Reservation Receipt

Reservation

Reservation ID:  
256835660622

Status:  
RESERVED

Reservation Type:  
Motion for Preliminary Approval of Class Action Settlement

Number of Motions:  
1

Case Number:  
CVRI2203757

Case Title:  
HERNANDEZ vs BREAKFAST CLUB LLC

Filing Party:  
JULIO C. HERNANDEZ (Plaintiff)

Location:  
Historic Court House - Department 1

Date/Time:  
December 5th 2023, 8:30AM

Confirmation Code:  
CR-NAQPPKYKFPWS4TWLX

Fees

| Description                        | Fee   | Qty | Amount  |
|------------------------------------|-------|-----|---------|
| Reschedule Fee                     | 20.00 | 1   | 20.00   |
| Credit Card Percentage Fee (2.75%) | 0.55  | 1   | 0.55    |
| TOTAL                              |       |     | \$20.55 |

Payment

Amount:  
\$20.55

Type:  
Visa

Account Number:  
XXXX9291

Authorization:  
05057G

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