

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Monnett De La Torre (State Bar #272884)
Sydney Castillo-Johnson (State Bar #343881)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619)599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
mdelatorre@jcl-lawfirm.com
scastillo@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com

Attorneys for Plaintiff TEVIN BRANDT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KERN

TEVIN BRANDT, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

MOTOR CITY SALES & SERVICE, a California
corporation; MCLB, INC., a California
corporation; and DOES 1-50, Inclusive,

Defendants.

Case No. BCV-22-102078

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

Date: September 6, 2023

Time: 8:30 a.m.

Location: Metropolitan Division Justice Building
1215 Truxtun Ave
Bakersfield, CA 93301

Judge: Hon. Bernard C. Barmann, Jr.
Dept.: H

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

2 PLEASE TAKE NOTICE that on September 6, 2023, at 8:30 a.m., or as soon thereafter as
3 counsel may be heard, in Department H of the Kern Superior Court, 1215 Truxtun Ave, Bakersfield,
4 CA 93301, the Honorable Judge Bernard C. Barmann, Jr. presiding, Plaintiff TEVIN BRANDT will,
5 and hereby does, move this Court to:

6 1. Preliminarily approve the settlement described in the Stipulation of Settlement of Class
7 and PAGA Action Claims and Release of Claims ("Agreement") attached as Exhibit 1 to the
8 Declaration of Shani O. Zakay filed concurrently herewith;

9 2. Conditionally certify the Settlement Class;

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

11 4. Appoint Plaintiff TEVIN BRANDT as the Class Representative;

12 5. Appoint the JCL Law Firm, APC and Zakay Law Group, APLC as Class Counsel; and

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

14 This Motion is based upon: (1) this Notice of Motion; (2) the Memorandum of Points and
15 Authorities in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement; (3)
16 the Declaration of Jean-Claude Lapuyade, Esq.; (4) the Declaration of Shani O. Zakay, Esq.; (5) the
17 Declaration of Sean Hartranft of APEX Class Action, LLC in Support of Plaintiff's Motion for
18 Preliminary Approval of Class Action and PAGA Settlement; (6) the Declaration of Tevin Brandt; (7)
19 the Stipulation of Settlement of Class and PAGA Action Claims and Release and exhibit attached
20 thereto; (8) the [Proposed] Order Granting Preliminary Approval of Class Action and PAGA
21 Settlement and exhibits attached thereto; (9) the records, pleadings, and papers filed in this action; and
22 (10) upon such other documentary and oral evidence or argument as may be presented to the Court at
23 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: August 7, 2023

ZAKAY LAW GROUP, APLC

27 By: 
28 Shani O. Zakay, Esq.
Attorneys for Plaintiff