

JCL LAW FIRM, APC

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

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Julieann Alvarado (State Bar #334727)
5440 Morehouse Drive, Suite 3500
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
julieann@zakaylaw.com

Attorneys for Plaintiff ROBERT BARAY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA BARBARA

ROBERT BARAY, on behalf of himself and on
behalf of all persons similarly situated,

PLAINTIFFS,

vs.

CURATION FOODS, INC, a Delaware
Corporation; LANDEC CORPORATION, a
Delaware Corporation; and DOES 1-50,
Inclusive,

DEFENDANTS.

Case No. 21CV02834

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

Date: November 22, 2022

Time: 8:30 a.m.

Judge: Hon. James F. Rigali

Dept.: 2

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

2 PLEASE TAKE NOTICE that on November 22, 2022, at 8:30 a.m., or as soon thereafter as
3 counsel may be heard, in Department 2 of the Santa Barbara Superior Court, the Honorable Judge James
4 F. Rigali presiding, plaintiff ROBERT BARAY 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 Declaration
7 of Jean-Claude Lapuyade filed concurrently herewith;

8 2. Conditionally certify the Settlement Class;

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

11 4. Appoint Plaintiff ROBERT BARAY as the Class Representative;

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

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

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

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

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4 Dated: October 18, 2022

JCL LAW FIRM, APC

5 By: 
6 Jean-Claude Lapuyade
7 Attorneys for Plaintiff
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