

02/09/2024

By:                     K. Fay                     Deputy

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5 Attorneys for Plaintiffs CLINT DAVIDSON  
6 and PATRICK WIRTH

7  
8 **SUPERIOR COURT OF CALIFORNIA**  
9 **FOR THE COUNTY OF SACRAMENTO**  
10

11 JOE HART, individually and on behalf of all  
12 other similarly situated employees,  
13                     Plaintiff,  
14                     vs.  
15 ALUMINUM COATING TECHNOLOGIES,  
16 INC., a California Corporation;  
17 BRUCE CENICEROS, an individual;  
18 ANDREA CENICEROS, an individual; and  
19                     Defendants.  
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**Case No. 34-2022-00320564**

**CLASS ACTION**

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

Reservation No. A-320564-001

Date: March 8, 2024  
Time: 9:00 a.m.  
Dept.: 22  
Judge: Hon. Lauri A. Damrell

Filed: May 23, 2022  
FAC Filed: July 29, 2022  
SAC Filed: June 13, 2023  
Trial Date: none set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on March 8, 2024, at 9:00 a.m., or as soon thereafter as the matter  
3 may be heard in Department 22 of the above-entitled Court, Plaintiffs Clint Davidson and Patrick Wirth,  
4 individually and on behalf of all other similarly situated individuals, hereby move for entry of an Order  
5 for the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiffs Clint Davidson and Patrick Wirth as class representatives  
8 for purposes of settlement;
- 9 3. Preliminarily appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of  
10 settlement;
- 11 4. Preliminarily approving the proposed class action and Private Attorneys General Act  
12 settlement, in the amount of 225,000, which is incorporated herein by reference;
- 13 5. Preliminarily approving the appointment of Apex Class Action as the Settlement  
14 Administrator and for payment to Apex Class Action for administering said class action  
15 settlement in an amount not to exceed \$10,000;
- 16 6. Preliminarily approving the settlement of claims under the Private Attorneys General Act for  
17 the total amount of \$10,000, 75% of which will be paid to the Labor and Workforce  
18 Development Agency and 25% of which will be paid to Aggrieved Employees;
- 19 7. Approving as to form and content the Notice of Settlement, which provide Class Members  
20 information regarding the settlement, their ability to opt out of, or object to, the class action  
21 settlement and which provides instruction on how to dispute an individual's settlement  
22 allocation under the proposed settlement agreement;
- 23 8. Approving the proposed procedures to notify the class and determining that the proposed  
24 notification procedures and process complies with Class Members' due process rights and  
25 directing the Notice of Settlement to be sent by first class mail to Class Members;
- 26 9. Directing Defendants to report employment information, including social security numbers,  
27 to the Settlement Administrator to administer the settlement proceeds;
- 28

1 10. Scheduling a fairness hearing on the question of whether the proposed settlement should be  
2 finally approved as fair, reasonable, and adequate;

3 11. Directing that any amount from settlement checks that were not cashed by the check cashing  
4 deadline be paid to the California State Controller's Unclaimed Property Fund;

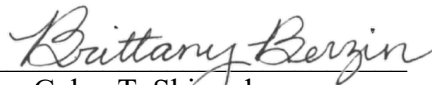
5 12. Preliminarily and conditionally approving and adopting the Proposed Order and its  
6 implementation schedule, which is filed herewith and incorporated by reference.

7 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section  
8 2699(l), and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action  
9 and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class Members  
10 and should be approved by the Court. This motion will be based on the notice of motion, memorandum  
11 of points and authorities, the Declaration of Brittany V. Berzin, the Declaration of Joe Hart, exhibits, the  
12 record and files of this case, and any further oral or documentary evidence introduced at the hearing of  
13 this motion.

14  
15 **Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter**  
16 **by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the**  
17 **department may be downloaded off the court's website. If the party does not have online access,**  
18 **they may call the dedicated phone number for the department as referenced in the local telephone**  
19 **directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and**  
20 **receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the**  
21 **court day before the hearing, no hearing will be held.**

22 Dated: February 9, 2024

23 **Shimoda & Rodriguez Law, PC**

24 By:   
25 Galen T. Shimoda  
26 Justin P. Rodriguez  
27 Brittany V. Berzin  
28 Attorneys for Plaintiffs