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Merced Superior Court
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Amanda Toste
Clerk of the Superior Court
By: Norma CastanedaMarquez, Deputy

1 Galen T. Shimoda (Cal. State Bar No. 226752)
2 Justin P. Rodriguez (Cal. State Bar No. 278275)
3 Renald Konini (Cal. State Bar No. 312080)
4 **Shimoda & Rodriguez Law, PC**
5 9401 East Stockton Boulevard, Suite 120
6 Elk Grove, CA 95624
7 Telephone: (916) 525-0716
8 Facsimile: (916) 760-3733
9 Email: attorney@shimodalaw.com
10 jrodriguez@shimodalaw.com
11 rkonini@shimodalaw.com

12 Attorneys for Plaintiff DEMECIO AGUIRRE VILLEGAS
13 individually and on behalf of similarly situated employees

14 **SUPERIOR COURT OF CALIFORNIA**
15 **FOR THE COUNTY OF MERCED**

16 DEMECIO AGUIRRE VILLEGAS,
17 individually and on behalf of all other
18 similarly situated employees,
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20 Plaintiff,
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22 vs.
23 G & H PIZZA, INC., a California Corporation;
24 JILL MARIE GAUTHIER, an individual;
25 JOHN JAMES GAUTHIER, an individual;
26 and DOES 1 to 100, inclusive,
27
28 Defendants.

Case No. **24CV-00447**
*Assigned for All Purposes to Hon. Brian McCabe
Department 8*
CLASS ACTION
**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT**
Date: April 15, 2026
Time: 8:15 a.m.
Dept.: 8
Judge: Hon. Brian McCabe
Filed: January 26, 2024
FAC Filed: April 3, 2024
Trial Date: None Set

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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on April 15, 2026, at 8:15 a.m., or as soon thereafter as the matter may be heard in Department 8 of the above-entitled Court, Plaintiff Demecio Aguirre Villegas, individually and on behalf of all other similarly situated individuals, will move for entry of an Order for the following:

1. Preliminarily certifying the proposed class herein for purposes of settlement;
2. Preliminarily appointing Plaintiff Demecio Aguirre Villegas as Class Representative for purposes of settlement;
3. Preliminarily appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of settlement;
4. Preliminarily approving the proposed class action and Private Attorney’s General Act settlement, in the amount of \$750,000, which is incorporated herein by reference;
5. Preliminarily approving the application for payment to Class Counsel of attorneys’ fees in the amount of 35% of the Gross Settlement Amount;
6. Preliminarily approving the application for payment to Class Counsel of reasonable costs not to exceed \$10,000;
7. Preliminarily and conditionally approving the Enhancement Payment of \$10,000 to Plaintiff Demecio Aguirre Villegas;
8. Preliminarily approving the appointment of Apex Class Action, LLC as the Settlement Administrator and for payment to Apex Class Action, LLC for administering said class action settlement in an amount not to exceed \$20,000;
9. Preliminarily approving the settlement of claims under the Private Attorneys General Act for the total amount of \$100,000, 75% of which will be paid to the Labor and Workforce Development Agency and 25% of which will be paid to Aggrieved Employees;
10. Approving as to form and content the Notice of Settlement, which provides Class Members information regarding the Settlement, their ability to opt out of, or object to, the Settlement, and which provides instruction on how to dispute an individual’s settlement allocation under the proposed Settlement;

- 1 11. Approving the proposed procedures to notify the class and determining that they comply with
- 2 Class Members' due process rights and directing the Notice of Settlement to be sent by first
- 3 class mail to Class Members;
- 4 12. Directing Defendants to report employment information as set forth in the Agreement to the
- 5 Settlement Administrator to administer the settlement proceeds;
- 6 13. Scheduling a fairness hearing on the question of whether the proposed Settlement should be
- 7 finally approved as fair, reasonable, and adequate;
- 8 14. Directing that any funds from settlement checks that were not cashed by the check cashing
- 9 deadline be donated to Capital Pro Bono, Inc., under the doctrine of *cy pres*; and
- 10 15. Preliminarily approving and adopting the Proposed Order and its implementation schedule,
- 11 which is filed herewith and incorporated by reference.

12 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
 13 2699(l)¹, and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action
 14 and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class Members
 15 and should be approved by the Court. This motion will be based on the notice of motion, memorandum
 16 of points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of Demecio Aguirre
 17 Villegas, exhibits, the record and files of this case, and any further oral or documentary evidence
 18 introduced at the hearing of this motion.

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 22 **Pursuant to Local Rule 3.2, tentative rulings in civil law and motion matters are posted pursuant**
 23 **to California Rules of Court, rule 3.1308 and require notice of intent to appear. Tentative rulings**
 24 **are not required, but any Judicial Officer who does issue tentative rulings will use the procedure**
 25 **set forth in rule 3.1308(a)(1). Tentative rulings will be made available by telephone at 209- 725-**
 26 **4240 and by posting on the Court's website at www.merced.courts.ca.gov no later than 3:00 p.m.**
 27 **on the Court day preceding the scheduled hearing. If the Court has not directed argument in the**
 28 **tentative ruling, oral argument is permitted only if a party intending to appear notifies all other**
parties by telephone or in person by 4:00 p.m. on the Court day before the hearing of the party's
intention to appear. A party also must notify the Court by telephone of the party's intention to

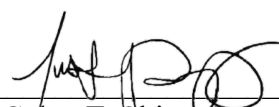
¹ Although the PAGA was recently amended, the amendments specifically state they are applicable to cases filed after June 19, 2024. See Cal. Lab. Code § 2699(v)(1). Because the PAGA notice predates this, all references to the PAGA in this Motion will be based on the statutory numbering applicable prior to the July 1, 2024, amendment.

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appear by calling 209-725-4240 by 4:00 p.m. on the Court day before the hearing. The tentative ruling will become the ruling of the Court if the Court has not directed oral argument by its tentative ruling and notice of intent to appear has not been given. (Eff. 7/1/04; Rev. 1/1/13, 7/1/16, 1/1/17; Renum. 7/1/18)

Dated: March 19, 2026

Shimoda & Rodriguez Law, PC

By: 
Galen T. Shimoda
Justin P. Rodriguez
Renald Konini
Attorneys for Plaintiff