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13 MORENO

14 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

15 CARLOS MORENO, individually, and on  
16 behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 PRETIUM PACKAGING, L.L.C., a  
20 Delaware limited liability company, and  
21 DOES 1 through 10, inclusive,

22 Defendants

Case No. 8:19-cv-02500-SB-DFM

[Hon. Stanley Blumenfeld, Jr.]

**PLAINTIFF'S NOTICE OF  
MOTION AND MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Date: March 12, 2021

Time: 8:30 a.m.

Courtroom: 6C

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that March 12, 2021 at 8:30 a.m. or as soon  
3 thereafter as the matter can be heard in Courtroom 6C of the United States  
4 District Court for the Central District of California located at 350 West 1st Street,  
5 Los Angeles, California 90012, Plaintiff Carlos Moreno (“Plaintiff”) will, and  
6 hereby does, move this Court for entry of an Order pursuant to Fed. R. Civ. Proc.  
7 23(e):

8 1. Preliminarily certifying the proposed class for settlement purposes  
9 under Rule 23(e) of the Federal Rules of Civil Procedure;

10 2. Preliminarily appointing Plaintiff as the Class Representative for  
11 settlement purposes;

12 3. Preliminarily appointing Wilshire Law Firm, PLC as Class Counsel for  
13 settlement purposes;

14 4. Preliminarily approving the class action settlement based upon the  
15 terms set forth in the Stipulation of Settlement (“Settlement”);

16 5. Scheduling a final fairness hearing to consider final approval of the  
17 Settlement, class representative’s incentive payments, entry of a proposed final  
18 judgment, and Plaintiff’s motion for attorney’s fees and costs;

19 6. Appointing ILYM Group as the third-party settlement administrator  
20 for mailing notices; and

21 7. Approving the proposed Class Notice and ordering that it be  
22 disseminated to the proposed Settlement Class as provided in the Settlement.

23 This motion is made on the grounds that the Settlement Agreement, which  
24 provides for a total, non-reversionary payment of \$1.6 million, “is the product of  
25 serious, informed, non-collusive negotiations, has no obvious deficiencies, does  
26 not improperly grant preferential treatment to class representatives or segments  
27 of the class, and falls within the range of possible approval,” such that  
28 preliminary approval is appropriate. *In re Tableware Antitrust Litig.*, 484 F.

1 Supp. 2d 1078, 1079 (N.D. Cal. 2007) (quoting *Schwartz v. Dallas Cowboys*  
2 *Football Club, Ltd.*, 157 F. Supp. 2d 561, 570 n.12 (E.D. Pa. 2001)). Further, the  
3 proposed notice of settlement complies with due process requirements and is the  
4 “best notice that is practicable under the circumstances,” as it provides Class  
5 Members an opportunity to fully assess the Settlement, including Plaintiffs’  
6 motion for attorneys’ fees and costs, before deciding whether to opt-out or  
7 submit objections. Fed. R. Civ. P. 23(c)(2)(B).

8 This motion is also made following the conference of counsel pursuant to  
9 L.R. 7-3 which took place on February 4, 2021. Defendant indicated that it does  
10 not oppose this motion.

11  
12 Dated: February 12, 2021

Respectfully submitted,

13 **WILSHIRE LAW FIRM**

14  
15 By: /s/ Justin F. Marquez

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Robert J. Dart  
Benjamin H. Haber  
Rachel J. Vinson

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18 Attorneys for Plaintiff