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12 [Additional Counsel Cont'd. After Caption]

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

15 GLENN KESSELMAN, an individual,
16 on behalf of himself and all others
17 similarly situated, *et al.*,

18 Plaintiffs,

19 vs.

20 TOYOTA MOTOR SALES, U.S.A.,
21 INC., a California Corporation

22 Defendant.

Case No. 2:21-cv-06010-TJH-JC

HON. TERRY J. HATTER JR.

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

Judge: Hon. Terry J. Hatter, Jr.

Place: Courtroom #9C

Hearing Date: March 3, 2025

Hearing Time: UNDER SUBMISSION

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1 Thomas P. Rosenfeld, *admitted pro hac vice*

2 Kevin P. Green, *admitted pro hac vice*

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1 **TO THE HONORABLE COURT, PARTIES, AND COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that on March 3, 2025, in the Courtroom of the
3 Honorable Terry J. Hatter, United States District Judge for the Central District of
4 California, Courtroom #9C, 350 W. 1st Street, Los Angeles California 90012,
5 Plaintiffs Glenn Kesselman, Kirk Coviello, Karen Ambrose, Paul Arellano, Craig
6 Granger, David Douglas, Josh Downs, Juan Giraldo, Matthew Shaffer, Wayne Slates,
7 Mitchell Trockman and Jamie Brown will and hereby do move the Court, pursuant to
8 Federal Rule of Civil Procedure 23, for an Order granting the relief in the Proposed
9 Preliminary Approval Order filed herewith (Dkt. 145-6), including:

- 10 A. Granting preliminary approval of the proposed Class Action Settlement
11 Agreement (“Settlement”) entered into between the parties, attached as
12 Exhibit 1 to the Joint Declaration in Support of Plaintiffs’ Motion for
13 Preliminary Approval of Class Action Settlement, Dkt. 145-3;
- 14 B. Provisionally certifying the Settlement Class defined in the Settlement
15 pursuant to Fed. R. Civ. P. 23(a) and 23(b)(2);
- 16 C. Appointing Plaintiffs Glenn Kesselman, Kirk Coviello, Karen
17 Ambrose, Paul Arellano, Craig Granger, David Douglas, Josh Downs,
18 Juan Giraldo, Matthew Shaffer, Wayne Slates, Mitchell Trockman and
19 Jamie Brown as Class Representatives;
- 20 D. Appointing Mike Arias, Craig S. Momita and M. Anthony Jenkins of
21 Arias Sanguinetti Wang & Team LLP, and Kevin P. Green, Thomas P.
22 Rosenfeld, and Daniel S. Levy of Goldenberg Heller & Antognoli, P.C.,
23 as Class Counsel;
- 24 E. Approving the proposed form and manner of notice and the Settlement
25 Outreach Administrator;
- 26 F. Authorizing Toyota to take all necessary and appropriate steps to
27 establish the means necessary to implement the Settlement Agreement,
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1 including, but not limited to, obtaining, through the Settlement
2 Outreach Administrator, such vehicle registration information through
3 S&P Global Automotive, from the applicable Departments of Motor
4 Vehicles or equivalents;

5 G. Issuing a preliminary injunction pending resolution of the motion for
6 final approval of the class action settlement;

7 H. Scheduling a Final Approval Hearing and certain other dates in
8 connection with the final approval of the Settlement as set forth in the
9 Settlement Agreement, and

10 I. Issuing any related orders in order to effectuate preliminary approval of
11 the Settlement.

12 This motion, unopposed by Defendant Toyota Motor Sales, U.S.A., Inc., is
13 based on this Notice of Motion and Motion, the accompanying Memorandum of
14 Points and Authorities, the Settlement, including all exhibits thereto, the
15 accompanying Joint Declaration of Class Counsel, including all exhibits thereto, the
16 pleadings and papers on file in this Action, and any other such evidence and argument
17 as the Court may consider.

18 Furthermore, while this motion is required by Federal Rule of Civil Procedure
19 23, the motion is made following the conference of counsel pursuant to L.R. 7-3 which
20 commenced on January 22, 2024, and continued through January 31, 2024.
21 Additionally, the parties have conferred and consent to waive oral argument on this
22 motion should the Court determine appropriate pursuant to L.R. 7-15.

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Dated: January 31, 2025

Respectfully submitted,

GOLDENBERG HELLER
& ANTOGNOLI, P.C.

By: /s/ Kevin P. Green
Thomas P. Rosenfeld
Kevin P. Green
Daniel S. Levy

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Attorneys for Plaintiffs