

1 **WILSHIRE LAW FIRM, PLC**  
 Benjamin H. Haber (SBN 315664)  
 2 *benjamin.haber@wilshirelawfirm.com*  
 Daniel J. Kramer (SBN 314625)  
 3 *daniel.kramer@wilshirelawfirm.com*  
 Angela Leong (SBN 300813)  
 4 *angela.leong@wilshirelawfirm.com*  
 Alan Wilcox (SBN 287476)  
 5 *alan.wilcox@wilshirelawfirm.com*  
 6 660 S. Figueroa Street, Sky Lobby  
 Los Angeles, California 90017  
 Telephone: (213) 381-9988  
 7 Facsimile: (213) 381-9989  
 8 *Attorneys for Plaintiff*

FILED  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN BERNARDINO  
 SAN BERNARDINO DISTRICT

DEC 18 2025

BY   
 VALERIE URUENA, DEPUTY

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 10 Colin P. Calvert (SBN 275195)  
*ccalvert@fisherphillips.com*  
 11 Nelly Pineda (SBN 340728)  
*npineda@fisherphillips.com*  
 12 FISHER & PHILLIPS LLP  
 2050 Main Street, Suite 1000  
 13 Irvine, California 92614  
 Telephone: (949) 798-2125  
 14 Facsimile: (949) 851-0152  
 15 *Attorneys for Defendant*

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **FOR THE COUNTY OF SAN BERNARDINO**

18 RUDOLPH MARQUEZ III, individually, and on  
 19 behalf of all others similarly situated,

Case No.: CIVSB2130963  
 Assigned to: Hon. Christian Towns, Dept. S26  
 Complaint Filed: October 27, 2021  
 Trial Date: Not set.

20 *Plaintiff,*

**CLASS AND PAGA ACTION**

21 v.

22 EMSER TILE, LLC, a California limited liability  
 23 company; and DOES 1 through 10, inclusive,

**STIPULATION TO CONTINUE  
 PLAINTIFF'S MOTION FOR FINAL  
 APPROVAL OF CLASS ACTION AND  
 PAGA SETTLEMENT; [PROPOSED]  
 ORDER**

24 *Defendants.*

Current Motion for Final Approval

Date: January 6, 2026

Time: 8:30 a.m.

Dept.: S26

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

2 Plaintiff Rudolph Marquez III (“Plaintiff”) and Defendant Emser Tile, LLC (“Defendant”)  
3 (collectively, the “Parties”), by and through their respective attorneys of record, submit the  
4 following Stipulation to Continue the January 6, 2025, hearing on Plaintiff’s Motion for Final  
5 Approval of Class Action Settlement (“MFA”), as follows:

6 **WHEREAS**, on August 12, 2025, the Court signed an Order Granting Plaintiff’s Motion for  
7 Preliminary Approval of Class Action Settlement (“MPA”) and set Plaintiff’s MFA to be heard on  
8 January 6, 2026;

9 **WHEREAS**, per the terms of the settlement agreement between the Parties and the Court’s  
10 order on Plaintiff’s MPA, Defendant was obligated to provide necessary data and contact  
11 information for the class members to the settlement administrator by August 27, 2025;

12 **WHEREAS**, Defendant encountered unexpected issues with the class data and contact  
13 information and, as a result, was not able to provide the class data and contact information to the  
14 settlement administrator until on or about October 27, 2025;

15 **WHEREAS**, the settlement administrator has been unable to send out the settlement notices  
16 to the class members because it has lacked the necessary data and contact information;

17 **WHEREAS**, the settlement administrator intends to send the settlement notice to the class  
18 members on or before November 26, 2025; and

19 **WHEREAS**, per the terms of the settlement agreement between the Parties and the Court’s  
20 order on Plaintiff’s MPA, the class members will have until approximately January 26, 2026, to  
21 request exclusion from, object to, or otherwise respond to the settlement.

22 **NOW, THEREFORE**, the Parties stipulate and respectfully request that the Court continue  
23 the hearing on Plaintiff’s MFA from January 6, 2026, to a date at the Court’s earliest convenience  
24 on or after March 10, 2026, in order to allow sufficient time for the notices to be sent to the class  
25 members and for those class members to have the opportunity to respond.

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Respectfully submitted,

Dated: November 24, 2025

**WILSHIRE LAW FIRM, PLC**

By:   
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Benjamin H. Haber  
Daniel J. Kramer  
Angela Leong  
Alan Wilcox

*Attorneys for Plaintiff*

Dated: November 24, 2025

**FISHER & PHILLIPS LLP**

By: /s/ Nelly Pineda  
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Colin P. Calvert  
Nelly Pineda

*Attorneys for Defendant*

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**PROPOSED ORDER**

The Court, having reviewed the Parties' Stipulation and good cause appearing therefore, hereby orders as follows: The Stipulation is **GRANTED**. The hearing on Plaintiff's Motion for Final Approval of Class Action and PAGA Settlement is continued from January 6, 2026, to 4/23/26, 2026, at 08:30 a.m./p.m. in Department S26.

**IT IS SO ORDERED.**

Dated: 12-16-25

Rafael A. Arreola

Honorable ~~Christian Towns~~

Judge of the Superior Court

**RAFAEL A ARREOLA**