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9 TINA CALDERON, and all others similarly situated
10 (Additional attorneys for Plaintiff(s) on following page)

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF STANISLAUS**
(UNLIMITED JURISDICTION)

13 TINA CALDERON, on behalf of herself and as
14 an “aggrieved employee” on behalf of other
15 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

16 *Plaintiff,*

17 vs.

18 DAVIS GUEST HOME, INC., a California
19 corporation; LONNY GENE DAVIS; and DOES
20 1–50, inclusive,

21 *Defendants.*

Case No. CV-20-001500

**NOTICE OF PLAINTIFF’S FIRST
AMENDED MOTION AND MOTION
FOR APPROVAL OF PAGA
SETTLEMENT**

Hearing Date: October 12, 2022
Hearing Time: 8:30 a.m.
Hearing Dept.: 21, The Honorable John
R. Mayne

Action filed: March 05, 2020
Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak, Walter L. Haines, and Tina Calderon; and
3. [Proposed] Order and Judgment Approving PAGA Settlement



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

2 PLEASE TAKE NOTICE that on October 12, 2022, at 8:30 a.m., or as soon thereafter as
3 the matter may be heard, in Department 21 of the Stanislaus County Superior Court, located at
4 Superior Court for the State of California, County of Stanislaus, 801 10th Street, 6th Floor,
5 Modesto, CA 95351, Plaintiff Tina Calderon ("Plaintiff") will and hereby does move this Court
6 for an order approving the PAGA Settlement Agreement (the "Settlement")¹ between Plaintiff
7 and Defendants Davis Guest Home, Inc., and Lonny Gene Davis (collectively "Defendants")
(Plaintiff and Defendants are collectively the "Parties").

8 The PAGA Settlement is on behalf of Tina Calderon and all current and former non-
9 exempt, hourly California employees Defendant Davis Guest Home, Inc. employed at any time
10 during the PAGA Period (the "PAGA Members"). The "PAGA Period" means the period from
11 February 27, 2019 through January 31, 2022. Plaintiff alleges that Defendants are liable to her
12 and other PAGA Members for unprovided meal and rest periods, failure to pay all earned wages,
13 and any other Labor Code violations that were alleged in the Action, or that could have been
alleged in the Action based on the facts alleged in the Action ("PAGA Released Claims").

14 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
15 Points and Authorities, the declarations of David Spivak, Walter L. Haines, and Tina Calderon,
16 the PAGA Settlement, all papers and pleadings on file with the Court in this action, all matters
17 judicially noticeable, and on such oral and documentary evidence as may be presented in
connection with the hearing on the Motion.

18 Respectfully submitted,

19 THE SPIVAK LAW FIRM

20
21 Dated: September ___, 2022

22 By: _____
23 DAVID G. SPIVAK, Attorneys for
24 Plaintiff, TINA CALDERON

25
26
27 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak ("DS"), which is
28 submitted herewith under a separate cover.



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20 1–50, inclusive,

21 *Defendants.*

Case No. CV-20-001500

**PLAINTIFF TINA CALDERON’S
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
FIRST AMENDED MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

Hearing Date: October 12, 2022
Hearing Time: 8:30 a.m.
Hearing Dept.: 21, The Honorable John
R. Mayne

Action filed: March 05, 2020
Trial Date: Not Set



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