

1 DAVID G. SPIVAK (SBN 179684)
david@spivaklaw.com
2 CAROLINE TAHMASSIAN (SBN 285680)
caroline@spivaklaw.com
3 CHRISTINA PREJEAN (SBN 314772)
christina@spivaklaw.com
4 THE SPIVAK LAW FIRM
5 8605 Santa Monica Bl
PMB 42554
6 West Hollywood, CA 90069
7 Telephone: (213) 725-9094
Facsimile: (213) 634-2485

8 Attorneys for Plaintiff(s),
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**

13 **(UNLIMITED JURISDICTION)**

14 TINA CALDERON, on behalf of herself and as
15 an “aggrieved employee” on behalf of other
“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 MOTION
AND MOTION FOR APPROVAL OF
PAGA SETTLEMENT**

Hearing Date: June 14, 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



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
15303 Ventura Bl
Ste 900
Sherman Oaks, CA 91403

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ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

WALTER L. HAINES (SBN 71075)
 walter@uelglaw.com
UNITED EMPLOYEES LAW GROUP
4276 Katella Ave
Suite 301
Los Alamitos, CA 90720
Telephone: (562) 256-1047
Facsimile: (562) 256-1006

Attorneys for Plaintiff(s),
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Employee Rights Attorneys

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Sherman Oaks, CA 91403

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

2 PLEASE TAKE NOTICE that on June 14, 2022 at 8:30 a.m., or as soon thereafter as the
3 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
14 alleged in the Action based on the facts alleged in the Action, which includes, but is not limited
to, alleged violations of Labor Code sections , and 2698 *et seq.* ("PAGA Released Claims").

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

19 Respectfully submitted,

20 THE SPIVAK LAW FIRM

21
22 Dated: May 19, 2022

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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Sherman Oaks, CA 91403