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12 Attorneys for Plaintiff,  
13 KRYSTAL THOMAS

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF SAN BERNARDINO**  
**(UNLIMITED JURISDICTION)**

16 KRYSTAL THOMAS, on behalf of herself,  
17 and as an “aggrieved employee” on behalf of  
18 other similarly situated “aggrieved  
19 employees” under the Labor Code Private  
Attorney General Act of 2004,

20 *Plaintiff(s),*

21 *v.*

22 CHOICE PHYSICIANS NETWORK, INC., a  
California corporation; DESERT  
23 PHYSICIANS MANAGEMENT, LLC, a  
California corporation, and DOES 1 through  
24 50, inclusive,

*Defendant(s)*

Case no.: CIVDS2013964

**NOTICE OF PLAINTIFF KRYSTAL  
THOMAS’ MOTION AND MOTION FOR  
APPROVAL OF PAGA SETTLEMENT**

Action filed: June 25, 2020

Hearing Date: October 20, 2021

Hearing Time: 10:00 a.m.

Dept.: S-26, Hon. David  
Cohn

**Submitted Herewith Under Separate Cover**

1. Memorandum of Points and Authorities;
2. Declaration of David Spivak;
3. Declaration of Walter Haines;
4. Declaration of Krystal Thomas; and
5. [Proposed] Order and Judgment Approving PAGA Settlement.



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1 TO ALL PARTIES, THE CALIFORNIA LABOR AND WORKFORCE DEVELOPMENT  
2 AGENCY, AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on October 20, 2021 at 10:00 a.m., or as soon thereafter as  
4 the matter may be heard, in Department S-26 of the San Bernardino County Superior Court,  
5 located at 247 W. Third Street, San Bernardino, California Plaintiff Krystal Thomas ("Plaintiff"  
6 or "Thomas") will and hereby does move this Court for an order approving the PAGA Settlement  
7 Agreement and Release (the "Agreement" or "PAGA Settlement") and entering the [Proposed]  
8 Order and Judgment Approving PAGA Settlement.

9 The PAGA Settlement is on behalf of Thomas and all persons employed by Defendants in  
10 California as non-exempt hourly employees at any time from June 5, 2019 through April 20, 2021  
11 (the "PAGA Members"). Plaintiff alleges that Defendants are liable to her and other PAGA  
12 Members for (1) failure to pay all wages earned for all hours worked at the correct hourly rate, (2)  
13 failure to provide all rest breaks and meal breaks; (3) failure to reimburse necessary business  
14 expenses, (4) failure to provide accurate written wage statements and paychecks, (5) failure to  
15 timely pay wages during employment and upon termination, (6) failure to maintain accurate  
16 employment records, and (7) failure to maintain temperature providing reasonable comfort. The  
17 Motion is based on this Notice of Motion and Motion, the attached Memorandum of Points and  
18 Authorities, the declarations of David Spivak, Walter Haines, and Krystal Thomas, the PAGA  
19 Settlement, all papers and pleadings on file with the Court in this action, all matters judicially  
20 noticeable, and on such oral and documentary evidence as may be presented in connection with  
21 the hearing on the Motion.

22 Respectfully submitted,

23 THE SPIVAK LAW FIRM

24 Dated: September 27, 2021

25 By:   
26 DAVID SPIVAK  
27 MARALLE MESSRELIAN  
28 Attorneys for Plaintiff, KRYSTAL THOMAS



SPIVAK LAW<sup>28</sup>