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7 Attorneys for Plaintiff(s),

8 PAULA JOHNSON, and all others similarly situated

9 (Additional attorneys for Plaintiff(s) on following page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF SAN FRANCISCO**

12 **(UNLIMITED JURISDICTION)**

13 PAULA JOHNSON, on behalf of herself, all
14 others similarly situated, the general public, and
15 as an “aggrieved employee” on behalf of other
16 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

17 *Plaintiff(s),*

18 vs.

19 NAN MCKAY & ASSOCIATES, INC., a
20 California corporation; and DOES 1–50,
21 inclusive,

22 *Defendant(s).*

Case No. CGC-20-586796

**PLAINTIFF PAULA JOHNSON’S
NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: February 27, 2023

Hearing Time: 9:30 a.m.

Hearing Dept.: 302

Action filed: September 24, 2020

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; and
3. [Proposed] Order



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

2 PLEASE TAKE NOTICE that on February 27, 2023 at 9:30 a.m., or as soon thereafter as
3 the matter may be heard, in Department 302 of the San Francisco County Superior Court, located
4 at Civic Center Courthouse, 400 McAllister Street, San Francisco, CA 94102, Plaintiff Paula
5 Johnson (“Plaintiff”) will and hereby does move this Court for an order: (1) granting class
6 certification of the Settlement Class solely for settlement purposes pursuant to California Code
7 of Civil Procedure section 382; (2) preliminarily approving the JOINT STIPULATION OF
8 CLASS ACTION SETTLEMENT AND RELEASE OF CLAIMS (the “Settlement” or the
9 “Settlement Agreement”)¹ between Plaintiff and Defendant Nan McKay & Associates, Inc.
10 (“Defendant”) (Plaintiff and Defendant are collectively the “Parties), (3) appointing David Spivak
11 of The Spivak Law Firm and Walter L. Haines of United Employees Law Group as Class Counsel;
12 (5) appointing Plaintiff as Class Representative; (6) approving the use of the proposed notice
13 procedures and related forms; (7) directing that notice be mailed to the proposed Settlement Class;
14 and (8) scheduling a hearing date for motion for final approval of class action settlement and
15 awards of attorneys’ fees and costs.

16 The “Settlement Class” or “Class Members” consists of all persons Defendant employed
17 in California as an hourly or nonexempt employee in California at any time during the Class
18 Period. The “Class Period” means the period from September 25, 2016 through the earlier of
19 Court preliminary approval of this Settlement or June 16, 2022.

20 This Motion is made on the following grounds: (1) the Settlement Class meets all the
21 requirements for class certification for settlement purposes only under California Code of Civil
22 Procedure section 382; (2) Plaintiff and her counsel are adequate to represent the Settlement
23 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
24 claims in view of Defendant’s potential liability exposure as compared against the risks of
25 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
26 Class Members of their rights under the Settlement and fully comport with due process; and (5)

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



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1 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
2 for motion for final approval of class action settlement, and awards of attorneys' fees and costs
3 should be set.

4 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
5 Points and Authorities, the Declaration of David Spivak, the Declaration of Walter L. Haines, all
6 papers and pleadings on file with the Court in this action, all matters judicially noticeable, and on
7 such oral and documentary evidence as may be presented in connection with the hearing on the
8 Motion.

9 Respectfully submitted,

10 THE SPIVAK LAW FIRM

11
12 Dated: January 26, 2023

13 By:



14 DAVID G. SPIVAK
15 MAYA CHEAITANI, Attorney for
16 Plaintiff, PAULA JOHNSON, and all
17 others similarly situated
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