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Attorneys for Plaintiff SARAH AVILARIOS,
on behalf of herself, all similarly aggrieved current
and former employees of Defendant and the State of
California

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

SARAH AVILARIOS, an individual on behalf of
herself and all similarly aggrieved current and
former employees of Defendant and the State of
California

Plaintiff,

v.

GREGORY L. MCEWEN DDS, INC., a
California corporation; GREGORY L. MCEWEN,
an individual; and DOES 1-10,

Defendants.

Case No. 34-2020-00285631

**REPRESENTATIVE ACTION UNDER
THE PRIVATE ATTORNEYS
GENERAL ACT**

**NOTICE OF MOTION AND MOTION
FOR APPROVAL OF PAGA
SETTLEMENT**

Action Filed: September 23, 2020
Trial Date: None

Date: May 26, 2021
Time: 1:30 pm
Dept: 53
Conf. No.: 2562010

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

PLEASE TAKE NOTICE that on May 26, 2021, at 1:30 p.m., in Department 53 of
the above entitled court, located at 813 Sixth Street, 2nd Floor, Sacramento, California, Plaintiff
Sarah Avilarios ("Plaintiff") will, and hereby does, move the Court for an Order granting
approval of the California Private Attorney General's Act ("PAGA") settlement described herein,
as set forth in the **Settlement Agreement and Release – PAGA (hereinafter "PAGA
Settlement Agreement")** between Plaintiff and Defendants Gregory L. McEwen D.D.S., Inc. and
Gregory L. McEwen ("Defendants") (collectively, the "Parties").

1 Judgment:

2 1. Approving the settlement of the PAGA Tenth Cause of Action as set forth
3 in the Parties' PAGA Settlement Agreement in accordance with Labor Code section 2699(1)(2);
4 and

5 2. Entering Judgment on the Tenth Cause of Action and permanently barring
6 and enjoining all PAGA Members from prosecuting against Defendants all PAGA claims
7 released upon satisfaction of all payments and obligations as set forth in the PAGA Settlement
8 Agreement.

9 This Motion is made pursuant to Labor Code Section 2699(1), which requires
10 Court approval of the settlement of PAGA claims. This Motion is unopposed by Defendants.

11 This Motion is based upon this Notice, Motion, the accompanying Memorandum
12 of Points and Authorities, the Settlement Agreement, the Declaration of Plaintiff's Counsel Gary
13 R. Basham, the [Proposed] Order and Judgment lodged with this Motion, all other pleadings and
14 papers filed in support of Plaintiff's Motion, all other pleadings and other records on file with the
15 Court for this matter, and any such evidence and argument as may be permitted by the Court at
16 the hearing on this Motion and.

17 Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the
18 merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the
19 tentative rulings for the department may be downloaded off the court's website. If the party does
20 not have online access, they may call the dedicated phone number for the department as
21 referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the
22 court day before the hearing and receive the tentative ruling. If you do not call the court and the
23 opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.

24 Date: April 16, 2021

BASHAM LAW GROUP

25 By: 

26 GARY R. BASHAM

27 Attorneys for Plaintiff SARAH AVILARIOS,
28 on behalf of herself, all similarly aggrieved current
and former employees of Defendant and the State

1 **PROOF OF SERVICE**

2 I, the undersigned declare:

3 I am employed in the County of Sacramento, State of California. I am over the
4 age of eighteen years and not a party to the within action; my business address is 8801 Folsom
5 Blvd., Suite 280, Sacramento, CA 95826.

6 On April 19 2021, I caused the following to be served:

7 **PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR APPROVAL OF PAGA**
8 **SETTLEMENT**

9 _____ by placing a true copy thereof enclosed in a sealed envelope with postage
10 thereon fully prepaid for deposit in the United States Post Office mail box, at
11 my business address shown above, following Basham Law Group's ordinary
business practices for the collection and processing of mail, of which I am
readily familiar, and addressed as set forth below.

12 _____ by depositing a true copy thereof enclosed in a sealed envelope with delivery
13 fees thereon fully prepaid in a box or other facility regularly maintained by
14 FedEx or delivering to an authorized courier or driver authorized by FedEx to
receive documents on the same date that it is placed at Basham Law Group for
collection, addressed as set forth below.

15 _____ by sending a copy by facsimile to the person(s) at the address(s) and facsimile
number(s) set forth below.

16 ✓ _____ by email to the person(s) at the email address(s) set forth below.

17 **Attorney for Defendant**

18 **Madonna A. Herman** (madonna.herman@wilsonelser.com)

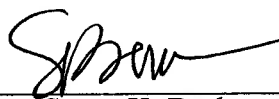
19 **Peter Catalanotti** (Peter.Catalanotti@wilsonelser.com)

20 **Wilson Elser LLP**

21 **525 Market Street, 17th Floor**

San Francisco, California 94105

22
23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct, and that this declaration was executed on April 19, 2021, at
25 Sacramento, California.

26 
27 Susan K. Basham
28