

1 **LAW OFFICES OF NATALIE MIRZAYAN**

2 Natalie Mirzayan, Esq. (SBN 272217)
3 26632 Towne Centre Drive, Suite 300
4 Foothill Ranch, California 92610
Telephone: (949) 285-3550
mirzayanlaw@outlook.com

5 Attorneys for Plaintiff
6 KALVYN ESCOBAR

7 **MIRHOSSEINI LAW GROUP**

8 Ali Mirhosseini, Esq. (149919)
9 Tina Starr, Esq. (231309)
10 1502 N. Broadway
Santa Ana, California, 92706
ali@armlaw.net
tina@armlaw.net

11 Attorneys for Defendants
12 PRIME FINANCE CONSULTING, INC., HANIEH
13 JODAT, and SHAHIN JOUDAT

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF ORANGE, CIVIL COMPLEX CENTER**
16

17 KALVYN ESCOBAR, individually and on	)	CASE NO.: 30-2020-01134584-CU-OE-CXC
18 behalf of all current and former similarly situated	)	
19 employees in the State of California,	)	ASSIGNED FOR ALL PURPOSES TO:
	)	HON. RANDALL J. SHERMAN
20 Plaintiff,	)	
	)	NOTICE OF MOTION AND MOTION
21 v.	)	FOR PRELIMINARY APPROVAL OF
	)	CLASS ACTION SETTLEMENT
22 PRIME FINANCE CONSULTING, INC., a	)	
23 California Corporation; HANIEH JODAT, an	)	Reservation Number: 73458601
24 individual; SHAHIN JOUDAT, an individual,	)	Date: February 26, 2021
and DOES 1 to 50, inclusive,	)	Time: 10:00 a.m.
	)	Courtroom: CX-105
	)	
25 Defendants.	)	Complaint Filed: February 26, 2020
	)	FAC Filed: June 18, 2020
	)	

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on February 26, 2021, at 10:00 a.m., or as soon thereafter
3 as this matter may be heard in Department CX-105 of the Superior Court of California for the County
4 of Orange, located at 751 West Santa Ana Blvd., Santa Ana, CA 92701, before the Honorable
5 Randall J. Sherman, Plaintiff Kalvyn Escobar (“Plaintiff” or “Class Representative”), will move,
6 and does move on behalf of himself and others similarly situated, for an Order:
7

- 8 1) Granting Preliminary Approval of the proposed Class Action Settlement in this Litigation;
9 2) Certification of the Class for Settlement purposes, defined as follows:

10 All current and former employees, who were employed by Defendants in the State of California
11 at any time between February 26, 2016 through the date of Preliminary Approval in the position
12 of Student Loan Advisors, Student Loan Processors, or similar positions.

13 3) Preliminary approval of a non-revisionary settlement payment by defendants Prime Finance
14 Consulting (“PFC”), Hanieh Jodat (“Jodat”), and Shahin Joudat (“Joudat”) (collectively
15 “Defendants”) in the sum of One Hundred Ninety Thousand Dollars (\$190,000.00) to resolve all
16 claims, fees and costs relating to the Settlement, inclusive of all Net Settlement Payments to the
17 Settlement Class, the enhancement award to Plaintiff, fees and costs to the Settlement Administrator,
18 attorneys’ fees and costs awarded to Class Counsel (Law Offices of Natalie Mirzayan), payment of
19 PAGA penalties to the LWDA, and the employer portion of payroll taxes and unemployment
20 insurance obligations.

21 4) Preliminary approval of Plaintiff, Kalvyn Escobar, as a Class Representative;

22 5) Preliminary approval of Natalie Mirzayan of Law Offices of Natalie Mirzayan as Class
23 Counsel;

24 6) Preliminary approval of the Form and Manner of Notice to the Class;

25 7) Preliminary approval of the appointment of Phoenix Class Action Administration Solutions
26 as the Settlement Administrator and preliminary approval of the costs of administration of the
27
28

1 Settlement for an amount estimated not to exceed Three-Thousand Dollars(\$3,000.00) to be paid
2 from the Gross Settlement Amount (“Settlement Administration Costs”);

3 8) Preliminary approval of the Class Representative Incentive Payment to the Class
4 Representative up to Ten-Thousand Dollars (\$10,000.00) to be paid from the Gross Settlement
5 Amount (“Class Representative Incentive Payment”);

6 9) Preliminary approval of the application by Class Counsel to the Court seeking an award of
7 (a) attorneys' fees in an amount up to 40% of the Gross Settlement Amount or Seventy-Six Thousand
8 Dollars (\$76,000.00) in attorneys' fees to Class Counsel, and (b) and Class Counsel's reasonable
9 litigation costs which is estimated not to exceed \$8,000 to be paid out of the Gross Settlement
10 Amount;

11 10) Preliminary approval of the payment of Fifteen-Thousand Dollars (\$15,000.00) as payment
12 of PAGA penalties, of which 75% or \$11,250.00 will be paid to the Labor Workforce Development
13 Agency (“LWDA”) of the State of California from the Gross Settlement Amount to fully settle and
14 resolve all PAGA penalty claims, and the remaining \$3,750.00, which represents twenty-five
15 percent (25%), to be distributed to the Participating Class Members on a pro-rata basis based on the
16 total number of Compensable Workweeks;

17 11) Establishing a schedule for the Provision of Notice of the Settlement to Members of the
18 Class; and

19 12) Setting a Final Approval hearing date.

20 This **unopposed** motion will be based on this Notice of Motion, the attached Memorandum
21 of Points and Authorities filed herewith, the Declaration of Natalie Mirzayan, exhibits attached
22 thereto, argument of counsel and upon such other material contained in the file and pleadings of
23 this action.

24 Respectfully Submitted,
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: January 27, 2021

MIRHOSSEINI LAW GROUP

Ali R. Mirhosseini

Ali Mirhosseini, Esq.

Tina Starr, Esq.

Attorney for PRIME FINANCE
CONSULTING, INC., HANIEH JODAT,
and SHAHIN JOUDAT

Dated: January 27, 2021

LAW OFFICES OF NATALIE MIRZAYAN

Natalie Mirzayan

Natalie Mirzayan, Esq.

Attorney for Plaintiff
KALVYN ESCOBAR