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Attorneys for Plaintiffs SHIELA KEE, SILBIA GUTIERREZ,
and BELINDA LECHUGA individually and on behalf of similarly situated employees

**SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

SHIELA KEE and SILBIA GUTIERREZ and
BELINDA LECHUGA, individually and on
behalf of all other similarly situated
employees,

Plaintiffs,

vs.

DR. JEFFREY A. SALADIN, DENTAL
CORPORATION (D/B/A CHILDREN'S
CHOICE PEDIATRIC DENTAL CARE), a
California Corporation; CC AMULET
MANAGEMENT, LLC, a Delaware Limited
Liability Company; and DOES 1 to 100,
inclusive,

Defendants.

Case No. 34-2020-00290072

CLASS ACTION

*Assigned for All Purposes to Hon. Lauri A. Damrell,
Department 28*

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA SETTLEMENT**

Reservation No. 2662199

Date: September 16, 2022
Time: 9:00 a.m.

Filed: December 8, 2020
FAC Filed: March 2, 2021
Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on September 16, 2022, at 9:00 a.m., or as soon thereafter as the
3 matter may be heard in Department 28 of the above-entitled Court, Plaintiffs Shiela Kee and Silbia
4 Gutierrez and Belinda Lechuga, individually and on behalf of all other similarly situated individuals,
5 hereby move for entry of an Order for the following:

- 6 1. Preliminarily certifying the proposed class herein for purposes of settlement;
- 7 2. Preliminarily appointing Plaintiffs Shiela Kee and Silbia Gutierrez and Belinda Lechuga as
8 class representatives for purposes of settlement;
- 9 3. Preliminarily appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of
10 settlement;
- 11 4. Preliminarily approving the proposed class action and Private Attorneys General Act
12 settlement, in the amount of \$675,000.00, which is incorporated herein by reference;
- 13 5. Preliminarily approving the application for payment to Class Counsel of attorneys' fees in
14 the amount of 35% of the Gross Settlement Amount;
- 15 6. Preliminarily approving the application for payment to Class Counsel of reasonable costs not
16 to exceed \$15,000.00;
- 17 7. Preliminarily and conditionally approving the Class Representative Enhancement Payments
18 of \$15,000 each to Plaintiffs Shiela Kee, Silbia Gutierrez, and Belinda Lechuga;
- 19 8. Preliminarily approving the appointment of ILYM Group, LLC as the Claims Administrator
20 and for payment to ILYM Group, LLC for administering said class action settlement in an
21 amount not to exceed \$30,000;
- 22 9. Preliminarily approving the settlement of claims under the Private Attorneys General Act for
23 the total amount of \$10,000, 75% of which will be paid to the Labor and Workforce
24 Development Agency and 25% of which will be paid to Aggrieved Employees;
- 25 10. Approving as to form and content the Notice of Settlement, which provide Class Members
26 information regarding the settlement, their ability to opt out of, or object to, the class action
27 settlement and which provides instruction on how to dispute an individual's settlement
28 allocation under the proposed settlement agreement;

11. Approving the proposed procedures to notify the class and determining that the proposed notification procedures and process complies with Class Members' due process rights and directing the Notice of Settlement to be sent by first class mail to Class Members;
12. Directing Defendants to report employment information, including social security numbers, to the Claims Administrator to administer the settlement proceeds;
13. Scheduling a fairness hearing on the question of whether the proposed settlement should be finally approved as fair, reasonable, and adequate;
14. Directing that any residue from settlement checks that were not cashed by the check cashing deadline be donated equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for Workers Rights under the doctrine of *cy pres*;
15. Preliminarily and conditionally approving and adopting the Proposed Order and its implementation schedule, which is filed herewith and incorporated by reference.

This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section 2699(l), and California Rules of Court 3.769 and 3.764, on the grounds that the proposed class action and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class Members and should be approved by the Court. This motion will be based on the notice of motion, memorandum of points and authorities, the Declaration of Justin P. Rodriguez, the Declaration of Shiela Kee, the Declaration of Silbia Gutierrez and Belinda Lechuga, exhibits, the record and files of this case, and any further oral or documentary evidence introduced at the hearing of this motion.

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

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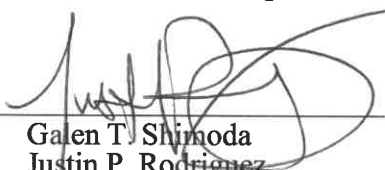
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1 Dated: August 8, 2022

Shimoda & Rodriguez Law, PC

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3 By:


Galen T. Shimoda
Justin P. Rodriguez
Attorneys for Plaintiffs