

Galen T. Shimoda (Cal. State Bar No. 226752)
Justin P. Rodriguez (Cal. State Bar No. 278275)
Renald Konini (Cal. State Bar No. 312080)
Shimoda & Rodriguez Law, PC
9401 East Stockton Boulevard, Suite 120
Elk Grove, CA 95624
Telephone: (916) 525-0716
Facsimile: (916) 760-3733

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 FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Reservation No. 2678139

Date: January 13, 2023

Time: 9:00 a.m.

Dept: 28

Judge: Hon. Lauri A. Damrell

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 January 13, 2023, 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, 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. Certifying the proposed class herein for purposes of settlement;
- 7 2. Appointing Plaintiffs Shiela Kee, Silbia Gutierrez, and Belinda Lechuga as class
8 representatives for purposes of settlement;
- 9 3. Appointing Shimoda & Rodriguez Law, PC, as Class Counsel for purposes of settlement;
- 10 4. Approving the proposed total maximum gross class action and Private Attorneys General Act
11 settlement, in the amount of \$675,000.00, which is incorporated herein by reference;
- 12 5. Approving the application for payment to Class Counsel of attorneys' fees in the amount of
13 35% of the Gross Settlement Amount;
- 14 6. Approving the application for payment to Class Counsel of reasonable costs in the amount of
15 \$10,628.17;
- 16 7. Approving the Class Representative Enhancement Payments of \$15,000 each to Plaintiffs
17 Shiela Kee, Silbia Gutierrez, and Belinda Lechuga;
- 18 8. Approving the appointment of ILYM Group, Inc., as the Claims Administrator and for
19 payment to ILYM Group, Inc. for administering said class action settlement in the amount of
20 \$13,690.28;
- 21 9. Approving the settlement of claims under the Private Attorneys General Act for the total
22 amount of \$10,000, with payment to the Labor and Workforce Development Agency in the
23 amount of \$7,500.00 and the remainder of \$2,500.00 will be distributed equally to Aggrieved
24 Employees;
- 25 10. Determining that the class notification procedures and process complied with Class
26 Members' due process rights;
- 27 11. Directing that for any settlement checks distributed to Class Members that are not cashed by
28 the check cashing deadline, those funds will be paid out in accordance with California Code

1 of Civil Procedure 384(b) equally, *i.e.* 50/50, to Capital Pro Bono, Inc., and the Center for
2 Workers Rights under the doctrine of *cy pres*;

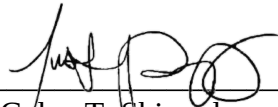
3 12. Approving and adopting the Proposed Order and its implementation schedule, which is filed
4 herewith and incorporated by reference.

5 This motion is being made pursuant to Code of Civil Procedure section 382, Labor Code section
6 2699(l), and California Rules of Court 3.769 and 3.764, on the grounds that the preliminarily approved
7 class action and Private Attorneys General Act settlement is fair, reasonable, and adequate as to all Class
8 Members and should be given final approval by the Court. This motion will be based on the notice of
9 motion, memorandum of points and authorities, the Declaration of Justin P. Rodriguez, the Declaration
10 of Madely Nava, the Declaration of Shiela Kee, the Declaration of Silbia Gutierrez, the Declaration of
11 Belinda Lechuga, exhibits, the record and files of this case, and any further oral or documentary
12 evidence introduced at the hearing of this motion.

13
14 **Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter**
15 **by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the**
16 **department may be downloaded off the court's website. If the party does not have online access,**
17 **they may call the dedicated phone number for the department as referenced in the local telephone**
18 **directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and**
19 **receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the**
20 **court day before the hearing, no hearing will be held.**

21 Dated: December 15, 2022

Shimoda & Rodriguez Law, PC

22 By: 
23 Galen T. Shimoda
24 Justin P. Rodriguez
25 Renald Konini
26 Attorneys for Plaintiffs