

1 DAVID G. SPIVAK (SBN 179684)
david@spivaklaw.com
2 MAYA CHEAITANI (SBN 335777)
maya@spivaklaw.com
3 THE SPIVAK LAW FIRM
4 8605 Santa Monica Bl
PMB 42554
5 West Hollywood, CA 90069
Telephone: (213) 725-9094
6 Facsimile: (213) 634-2485

7 Attorneys for Plaintiff(s),
8 RAMONA SILVA-HEREDIA, and all others similarly situated

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**
12 **(UNLIMITED JURISDICTION)**

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

17 *Plaintiff(s),*

18 vs.

19 TACOS LOS DESVELADOS, a California
20 corporation; TACOS LOS DESVELADOS
21 GLENDALE, INC., a California corporation;
22 TACOS LOS DESVELADOS WEST COVINA,
INC., a California corporation; TACOS LOS
23 DESVELADOS WHITTIER, INC., a California
24 corporation; ADOLFO VALENZUELA, an
individual; and DOES 1–50, inclusive,

25 *Defendant(s).*

Case No. 21STCV11103

**PLAINTIFF RAMONA SILVA-
HEREDIA’S NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: May 15, 2023
Hearing Time: 9:00 a.m.
Hearing Dept.: 17, The Honorable
Maren E. Nelson

Action filed: March 19, 2021

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration of David Spivak; and
3. [Proposed] Order.



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

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

2 PLEASE TAKE NOTICE that on May 15, 2023 at 9:00 a.m., or as soon thereafter as the
3 matter may be heard, in Department 17 of the Los Angeles County Superior Court, located at
4 Spring Street Courthouse, 312 North Spring Street, Los Angeles, CA 90012, Plaintiff Ramona
5 Silva-Heredia (“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 Class Action and PAGA
8 Settlement Agreement and Class Notice (the “Settlement” or the “Settlement Agreement”)¹
9 between Plaintiff and Defendants Tacos Los Desvelados, Tacos Los Desvelados Glendale, Inc.,
10 Tacos Los Desvelados West Covina, Inc., Tacos Los Desvelados Whittier, Inc., and Adolfo
11 Valenzuela (collectively “Defendants”) (Plaintiff and Defendants are collectively the “Parties),
12 (3) appointing David Spivak of The Spivak Law Firm as Class counsel; (5) appointing Plaintiff
13 as Class Representative (“Plaintiff”); (6) approving the use of the proposed notice procedures and
14 related forms; (7) directing that notice be mailed to the proposed Settlement Class; and (8)
15 scheduling a hearing date for motion for final approval of class action settlement and awards of
16 attorneys’ fees and costs.

17 The “Settlement Class” or “Class Members” consists of all persons employed by
18 Defendants in California and classified as hourly, non-exempt employees who worked for
19 Defendant during the Class Period. “Class Period” means the period from March 19, 2017 through
20 May 31, 2022.

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

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



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1 Class Members of their rights under the Settlement and fully comport with due process; and (5)
2 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
3 for motion for final approval of class action settlement, and awards of attorneys' fees and costs
4 should be set.

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

9 Respectfully submitted,

10 THE SPIVAK LAW FIRM

11
12 Dated: January 19, 2023

13 By: David Spivak
14 DAVID G. SPIVAK, Attorney for
15 Plaintiff, RAMONA SILVA-
16 HEREDIA, and all others similarly
17 situated
18
19
20
21
22
23
24



25 SPIVAK LAW
26 EMPLOYEE RIGHTS

27 Mail:
28 8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067