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9 Attorneys for Plaintiff(s),
RENE LOPEZ, and all others similarly situated
10 (Additional attorneys for Plaintiff(s) on following page)

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SACRAMENTO**

13 **(UNLIMITED JURISDICTION)**

14 RENE LOPEZ and ALYSIA FORD, on behalf
15 of themselves and all others similarly situated,
16 the general public, and as “aggrieved
17 employees” on behalf of other “aggrieved
Attorneys General Act of 2004,

18 *Plaintiff(s),*

19 vs.
20

21 BOAVIDA COMMUNITIES, LLC, a
22 California limited Liability company; THE
BOAVIDA GROUP, LP, a California limited
23 partnership; and DOES 1–50, inclusive,

24 *Defendant(s).*
25
26
27
28

Case No. 34-2021-00299610

**NOTICE OF MOTION AND
PLAINTIFFS’ MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Action filed: 2/16/2021
Hearing Date: 1/6/2023
Hearing Time: 9:00 a.m.
Hearing Dept: 25, The Honorable Jill H
Talley

Submitted Under Separate Cover

1. Declarations of David Spivak, Justin F. Marquez, and Taylor Mitzner; and
2. [Proposed] Final Order and Judgment Approving Class Settlement.



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

2 PLEASE TAKE NOTICE that on January 6, 2023, at 9:00 a.m., or as soon thereafter as
3 the matter may be heard, in Department 25 of the Sacramento County Superior Court located at
4 the Gordon D. Schaber Courthouse, 720 9th Street, Sacramento, CA 95814, Plaintiffs Rene Lopez
5 (“Lopez”) and Alysia Ford (“Ford”) (hereafter referred to collectively as “Plaintiffs”) will and
6 hereby do move this Court for an order: (1) confirming the class certification of the Class solely
7 for settlement purposes pursuant to Code of Civil Procedure § 382; (2) finally approving the Joint
8 Stipulation of Class Action and PAGA Settlement and the Amendment to Joint Stipulation of
9 Class Action and PAGA Settlement (collectively the “Settlement”); (3) confirming the
10 appointment of David Spivak of The Spivak Law Firm and Justin Marquez of Wilshire Law Firm,
11 PLC as class counsel; (4) confirming the appointment of Plaintiffs as class representatives for the
12 Class; (5) finally approving Attorneys’ Fees in the amount of \$91,666.67 (one third or 33 and 1/3
13 % of the Maximum Settlement Amount (“MSA”)) and Litigation Costs in the amount of
14 \$20,399.76 to Class Counsel (the Settlement provides up to \$35,000.00 for litigation expenses);
15 (6) finally approving Enhancement Payments in the amount of \$15,000.00 to each plaintiff; (7)
16 finally approving the Settlement Administrator’s Fees in the amount of \$7,600 (the Settlement
17 provides up to \$9,000.00 for administration costs); (8) finally approving a payment of \$4,000.00
18 in PAGA penalties under the Labor Code Private Attorneys General Act of 2004 (Labor Code §
19 2698 et seq.), seventy five percent (75%) or \$3,000.00 of which will be distributed to the LWDA
20 and the remaining twenty-five percent (25%) or \$1,000.00 will be distributed to the PAGA Group
21 Members; and (9) directing that the [Proposed] Final Order and Judgment Approving Class
22 Settlement be entered.

23 For purposes of this Settlement, “Class”, or “Class Members” or “Settlement Class”
24 means all individuals Defendants employed in California as hourly paid or non-exempt
25 employees during the Class Period. The “Class Period” means the period of time from July 1,
26 2019 through August 1, 2022. Settlement, ¶ I.C.

27 This Motion is made on the following grounds: (1) the proposed Class meets all the
28 requirements for class certification for settlement purposes only under Code of Civil Procedure §
382; (2) Plaintiffs and their counsel are adequate to represent the Class; (3) the Settlement reflects
a fair, adequate, and reasonable compromise of disputed wage and hour claims in view of
Defendants’ potential liability exposure as compared against the risks of continued litigation; (4)



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1 the amounts requested for the Attorneys' Fees and Litigation Costs to Class Counsel,
2 Enhancement Payments to each of the Plaintiffs, Settlement Administrator's fees to the
3 Settlement Administrator, and payment to the LWDA are all fair, adequate, and reasonable; and
4 (5) in view of the foregoing, the [Proposed] Final Order and Judgment Approving Class
5 Settlement should be entered to give finality to the Settlement.

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

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

18 Respectfully submitted,

THE SPIVAK LAW FIRM

19 Dated: December 8, 2022

By: 

20 DAVID SPIVAK
21 CAROLINE TAHMASSIAN
22 Attorneys for Plaintiff, RENE LOPEZ



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