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

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

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

17 *Plaintiff(s),*

18 vs.

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

22 *Defendant(s).*
23

Case No. 34-2021-00299610-CU-OE-GDS

CLASS ACTION

**PLAINTIFFS RENE LOPEZ AND
ALYSIA FORD’S NOTICE OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date: July 29, 2022
Hearing Time: 1:30 p.m.
Hearing Dept.: Dept. 25
The Hon. Jill H. Talley

Action filed: April 28, 2021
Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Justin Marquez; and
3. [Proposed] Order



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ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

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Attorneys for Plaintiff(s),
ALYISA FORD, and all others similarly situated



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Employee Rights Attorneys

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

2 PLEASE TAKE NOTICE that on July 29, 2022 at 1:30 p.m., or as soon thereafter as the
3 matter may be heard, in Department 25 of the Sacramento County Superior Court, located at 813
4 6th Street, Sacramento, CA 95815, Plaintiffs Rene Lopez and Alysia Ford (together “Plaintiffs”)
5 will and hereby do move this Court for an order: (1) granting class certification of the Settlement
6 Class solely for settlement purposes pursuant to California Code of Civil Procedure section 382;
7 (2) preliminarily approving the Joint Stipulation of Class Action and PAGA Settlement (the
8 “Settlement”)¹ between Plaintiffs and Defendants Boavida Communities, LLC and The Boavida
9 Group, LP (together “Defendants”) (Plaintiff and Defendants are collectively the “Parties), (3)
10 appointing David Spivak of The Spivak Law Firm and Justin Marquez of Wilshire Law Firm,
11 PLC as Class Counsel; (5) appointing Plaintiffs as class representatives; (6) approving the use of
12 the proposed notice procedures and related forms; (7) directing that notice be mailed to the
13 proposed Settlement Class; and (8) scheduling a hearing date for a motion for final approval of
14 class action settlement and awards of attorneys’ fees and costs.

15 The “Settlement Class” or “Class” or “Class Members” consists of all persons hourly paid
16 or non-exempt employees in California at any time during the Class Period. “Class Period” means
17 the period from July 1, 2019 through the date of Preliminary Approval of the Settlement by the
18 Court or 90 days from the date of the full execution of the Settlement Agreement (August 1,
19 2022), whichever is earlier.

20 This Motion is made on the following grounds: (1) the Settlement Class meets all the
21 requirements for class certification for settlement purposes only under California Code of Civil
22 Procedure section 382; (2) Plaintiffs and their counsel are adequate to represent the Settlement
23 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
24 claims in view of Defendants’ potential liability exposure as compared against the risks of
25 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
26 Class Members of their rights under the Settlement and fully comport with due process; and (5)

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.



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1 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
2 for a motion for final approval of class action settlement, and awards of attorneys' fees and costs,
3 should be set.

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

9 Respectfully submitted,

10 THE SPIVAK LAW FIRM

11
12 Dated: July 7, 2022

13 By: David Spivak
14 DAVID G. SPIVAK, Attorneys for
15 Plaintiff(s), RENE LOPEZ, and all
16 others similarly situated

17 WILSHIRE LAW FIRM, PLC

18 Dated: July 7, 2022

19 By: Justin F. Marquez
20 JUSTIN F. MARQUEZ, Attorneys for
21 Plaintiff(s), ALYSIA FORD, and all
22 others similarly situated



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12 Dated: July 7, 2022

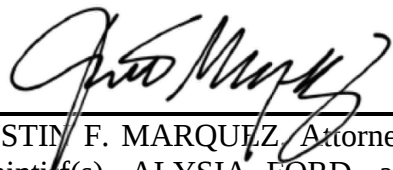
By:

DAVID G. SPIVAK, Attorneys for
Plaintiff(s), RENE LOPEZ, and all
others similarly situated

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16 WILSHIRE LAW FIRM, PLC

17
18 Dated: July 7, 2022

By:


JUSTIN F. MARQUEZ, Attorneys for
Plaintiff(s), ALYSIA FORD, and all
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