

12/29/2025

Clad Flake, Executive Officer/Clerk of the Court

By: D. Kinney Deputy

D. Kinney

Robert W. Ottinger (SBN 156825)
Katherine Roussos (SBN 358600)
THE OTTINGER FIRM, P.C.
2108 N Street, Suite N
Sacramento, CA 95816
Tel: 415-262-0096
Fax: 212-571-0505
robert@ottingerlaw.com
Katherine@ottingerlaw.com

Attorneys for Plaintiff
Marites Ballesteros

[Additional Attorneys listed on following page]

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

**ELDER CARE ALLIANCE AND ALMAVIA
WAGE AND HOUR CASES**

Included Actions:

MARITES BALLESTEROS v. ELDER CARE
ALLIANCE OF SAN FRANCISCO INC. dba
ALMAVIA OF SAN FRANCISCO, et al.
Superior Court of California, County of San
Francisco, Case No. CGC-21-588913

YESENIA ARIAS v. ELDER CARE
ALLIANCE, et al. Superior Court of California,
County of Alameda, Case No. RG21090600

YESENIA ARIAS v. ELDER CARE
ALLIANCE, et al. Superior Court of California,
County of
Alameda, Case No. RG21102829

MARTA AGUILAR v. ELDER CARE
ALLIANCE OF SAN RAFAEL INC., et al.
Superior Court of California, County of
Alameda, Case No. RG21107053

MARIA TABUYO v. MERCY RETIREMENT
AND CARE CENTER AND ELDER CARE
ALLIANCE INC., et al. Superior Court of
California, County of
Alameda, Case No. 22CV022908

MARITES BALLESTEROS v. ELDER CARE
ALLIANCE OF SAN FRANCISCO INC. dba
ALMAVIA OF SAN FRANCISCO, et al. Superior
Court of California, County of Alameda, Case No.
23CV046186

Case No.: RG21090600 (Lead Case)

CGC-21-588913 (San Francisco);
RG21090600;
RG21102829;
RG21107053;
22CV022908;
23CV046186;

CLASS & REPRESENTATIVE ACTION

**~~PLAINTIFFS' [PROPOSED]~~ ORDER AND
JUDGMENT GRANTING FINAL
APPROVAL OF CLASS SETTLEMENT**

Ballesteros SF Action filed: January 13, 2021
Arias Class Action filed: March 3, 2021
Arias PAGA Action filed: June 24, 2021
Augilar Action filed: July 29, 2021
Tabuyo Action filed: November 30, 2021
Ballesteros AM Action filed: October 2, 2023

Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
Brian J. St. John (SBN 304112)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020
edwin@calljustice.com
arby@calljustice.com
joanna@calljustice.com
brian@calljustice.com
a.collier@calljustice.com

Attorneys for Plaintiff Yesenia Arias

Justin Lo (SBN 280102)
WORK LAWYERS, P.C.
22939 Hawthorne Blvd., #202
Torrance, CA 90505
Tel: (310) 248-2994
Fax: (424) 355-8535
Justin@caworklawyer.com

Attorney for Plaintiff Marta Aguilar

John G. Yslas (SBN 187234)
Jeffrey C. Bills (SBN 301629)
Edward E. Kim (SBN 183022)
Aram Boyadjian (SBN 334009)
Andrew Sandoval (SBN 346996)
WILSHIRE LAW FIRM
3055 Wilshire Blvd., 12th Floor
Los Angeles, CA 90010
Tel: (213) 381-9988
john.yslas@wilshirelawfirm.com
jeffrey.bils@wilshirelawfirm.com
ekim@wilshirelawfirm.com
aboyadjian@wilshirelawfirm.com
andrew.sandoval@wilshirelawfirm.com
ian.silverstein@wilshirelawfirm.com
samantha.smith@wilshirelawfirm.com
fawn.bekam@wilshirelawfirm.com

Attorneys for Plaintiff Maria Tabuyo

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

2 Plaintiffs' Motion for Final Approval of Class Action Settlement came before this Court in
3 Department 21 on December 9, 2025, at 2:30 pm. The Court having considered the papers submitted in
4 support of the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. The Court finds the instant Action presents a good faith dispute of the claims alleged.

6 2. The Court finds in favor of settlement approval and therefore approves the Settlement of
7 the above-captioned actions, as set forth in the Settlement Agreement and each of the releases and other
8 terms, as fair, reasonable, and adequate, including the proposed PAGA Allocation.

9 3. The Court finds the Class is properly certified as a class for settlement purposes only.

10 4. The Notice provided to Class Members conforms with the requirements of California
11 Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of Court 3.766, 3.769,
12 the California and United States Constitutions, and any other applicable law, and constitutes the best
13 notice practicable under the circumstances, by providing individual notice to all Class Members who
14 could be identified through reasonable effort, and by providing due and adequate notice of the
15 proceedings and of the matters set forth therein to the other Class Members. The Notice fully satisfied
16 the requirements of due process.

17 5. The Court finds the Settlement, which contains a Gross Settlement Amount of
18 \$5,500,000, was entered into in good faith, that the Settlement is fair, reasonable, and adequate, and that
19 the Settlement satisfies the standards and applicable requirements for final approval of this class action
20 and PAGA settlement under California law, including the provisions of California Code of Civil
21 Procedure § 382, California Rule of Court 3.769 and California Labor Code § 2699(s)(2).

22 6. No Class Members have objected to the terms of the Settlement.

23 7. No Class Members have requested exclusion from the Settlement.

24 8. A full opportunity has been afforded to the Class Members to participate in the Final
25 Approval Hearing, and all Class Members and other persons wishing to be heard have been heard. The
26 Class Members also have had a full and fair opportunity to exclude themselves from the Class
27 Settlement. Accordingly, the Court determines that Plaintiffs and all Class Members who did not submit
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1 a timely and valid Request for Exclusion from the Class Settlement ("Participating Class Members"),
2 individually and on behalf of their respective successors and assigns, are bound by the Class Settlement
3 and by this Final Approval Order and Judgment, and thereby, as of the Effective Date and Defendants
4 full funding of the Gross Settlement Amount, shall fully, finally, and forever settle and release the
5 Released Parties of all Released Class Claims.

6 9. The Court finds that Plaintiffs have satisfied the prerequisites under PAGA, including,
7 and not limited to, providing the LWDA and Defendant with notice of the specific provisions of the
8 California Labor Code alleged to have been violated, including, and not limited to, the facts and theories
9 to support the alleged violations, in conformity with California Labor Code § 2699.3(a). The Court also
10 finds that the Settlement Agreement has been submitted to the LWDA in conformity with California
11 Labor Code § 2699(1)(2). Pursuant to California Labor Code § 2699(1)(2), the Court has also considered
12 and reviewed the PAGA Settlement and the allocation of \$250,000.00 toward civil penalties under the
13 California Private Attorneys General Act of 2004 ("PAGA Allocation"), and the Court finds that they
14 are fair, reasonable, and appropriate, and hereby approved. The Settlement Administrator shall distribute
15 the PAGA Amount as follows: the amount of \$187,500.00 to the LWDA, and the amount of \$62,500.00
16 to the PAGA Settlement Group Members, in accordance with the terms and methodology set forth in
17 the Agreement.

18 10. The Court determines that, Plaintiffs, the State of California (with respect to PAGA
19 Settlement Group Members), and all Aggrieved Employees, individually and on behalf of their
20 successors and assigns, are bound by the PAGA Settlement and this Final Approval Order and Judgment,
21 and thereby, as of the Effective Date and Defendants full funding of the Gross Settlement Amount, shall
22 fully, finally, and forever settle and release the Released Parties from all Released PAGA Claims.

23 11. The Defendants shall fund the Gross Settlement Amount and the amount necessary to
24 pay Defendants' share of payroll taxes within sixty (60) days of this Judgment and Order.

25 12. The Settlement Administrator shall distribute the Individual Settlement Shares to Class
26 Members, and the Individual PAGA Payments to PAGA Settlement Group Members pursuant to the
27 terms of the Settlement.

1 13. The Class Period is defined as January 13, 2017, through July 5, 2023, and the Class is
2 defined as any hourly paid or non-exempt employee of Defendants in the State of California during the
3 Class Period.

4 14. The PAGA Period is defined as April 20, 2020, through July 5, 2023, and the PAGA
5 Settlement Group Members are defined as all hourly, non-exempt employees who worked for Defendant
6 in California during the PAGA Period.

7 15. In addition to any recovery that Plaintiffs may receive under the Settlement as Class
8 Members and in recognition of their efforts on behalf of the Class, the Court hereby approves the
9 Incentive Awards in the amount of \$7,500.00 each for Plaintiffs, Marites Ballesteros, Yesenia Arias,
10 Maria Aguilar, Maria Tabuyo.

11 16. The Court approves an attorney's fees award to Class Counsel The Ottinger Firm, P.C.,
12 Wilshire Law Firm, Work Lawyers, P.C. and Lawyers for Justice, PC totaling \$1,650,000.00. The Class
13 Administrator shall make payments of the fee award directly to counsel pursuant to the fee sharing
14 agreement between the Plaintiffs.

15 17. The Court approves the costs award to Counsel for Plaintiffs in the amount of \$50,692.95
16 representing actual litigation costs, to be distributed as follows: \$15,809.00 to The Ottinger Firm, P.C.;
17 \$11,101.32 to the Wilshire Law Firm; \$9,779.69 to Workers Lawyers, P.C., and \$14,002.62 to Lawyers
18 for Justice, PC.

19 18. The Court approves and orders payment of Settlement Administration Costs to not
20 exceed the amount of \$16,000.00 to CPT Group, Inc., for performance of its services as the Settlement
21 Administrator.

22 19. The Settlement Administrator shall ~~distribute~~ ^{vaid} all funds not cashed by Class Members
23 within ~~180~~ ¹²⁰ days after the last mailing to ~~Legal Aid At Work, the chosen cy-pres recipient.~~

24 20. Upon completion of administration of the Settlement, the Parties shall file a declaration
25 from the Settlement Administrator stating that all claims have been paid and that the terms of the
26 Settlement have been completed. There will be a Final Accounting Hearing May 11, 2026, at 2:30 p.m.

1 in Department 21 of this Court. This will be a non-appearance date if a declaration from the Settlement
2 Administrator is submitted at least 5 court days in advance of the hearing date. *The*

3 *Court might order a second distribution.*

4 21. This Final Approval Order and Judgment is intended to be a final disposition of the
5 Action in its entirety and is intended to be immediately appealable.

6 22. This document shall constitute a Judgment for purposes of California Rule of Court
7 3.769(h). The Court reserves exclusive and continuing jurisdiction over the Action and the Parties under
8 Code of Civil Procedure § 664.6 for the purpose of supervising implementation, enforcement,
9 construction, administration, and interpretation of the Settlement Agreement and this Judgment.

10 **IT IS SO ORDERED.**

11
12 Dated: December 29, 2025

13 By:

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15 _____
16 JUDGE OF THE SUPERIOR COURT
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SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612		FILED Superior Court of California County of Alameda 12/29/2025 Chad Finke, Executive Officer / Clerk of the Court By: <u><i>D. Kinney</i></u> Deputy D. Kinney
PLAINTIFF/PETITIONER: Yesenia Arias et al		
DEFENDANT/RESPONDENT: Elder Care Alliance, Inc. et al		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: RG21090600

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order Plaintiffs' [Proposed] Order and Judgement Regarding Final Approval of Class Settlement entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Andrew John Kozlow
Jackson Lewis P.C.
Andrew.Kozlow@jacksonlewis.com

Edwin Aiwazian
LAWYERS for JUSTICE, PC
edwin@lfjpc.com

Jessica Shafer
JACKSON LEWIS P.C.
Jessica.Shafer@jacksonlewis.com

John Yslas
Wilshire Law Firm
jyslas@wilshirelawfirm.com

Justin Lo
Work Lawyers, P.C.
justin@caworklawyer.com

Robert D. Vogel
JACKSON LEWIS P.C.
Robert.Vogel@jacksonlewis.com

Robert Ottinger
The Ottinger Firm
robert@ottingerlaw.com

Chad Finke, Executive Officer / Clerk of the Court

Dated: 12/29/2025

By:

D. Kinney

D. Kinney, Deputy Clerk