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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

KEVIN WYATT and KIMBERLEE
CALIFANO, individuals, and on behalf of all
persons similarly situated,

Plaintiffs,

v.

BH-SD OPCO, LLC, dba ALVARADO
PARKWAY INSTITUTE BEHAVIORAL
HEALTH SYSTEMS, a Delaware Limited
Liability Company; and DOES 1-50, Inclusive,

Defendants.

Case No: 37-2021-00021168-CU-OE-CTL

**NOTICE OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND PAGA
SETTLEMENT**

Date: July 26, 2024

Time: 9:30 a.m.

Judge: Hon. Gregory W. Pollack

Dept.: C-71

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

2 PLEASE TAKE NOTICE that on July 26, 2024, at 9:30 a.m., or as soon thereafter as counsel
3 may be heard, in Department C-71 of the San Diego Superior Court, the Honorable Judge Gregory W.
4 Pollack presiding, Plaintiffs Kevin Wyatt and Kimberlee Califano ("Plaintiffs") will, and hereby do,
5 move this Court to:

6 1. Preliminarily approve the settlement described in the Stipulation for Class and PAGA
7 Action Settlement and Release of Claims ("Agreement" or "Settlement Agreement"), attached as
8 Exhibit 1 to the Declaration of Perssia Razma filed concurrently herewith;

9 2. Conditionally certify the Settlement Class;

10 3. Approve distribution of the proposed Notice of Pendency of Class Action Settlement
11 and Final Hearing Date ("Notice Packet" or "Notice") attached as Exhibit A to the Agreement;

12 4. Appoint Plaintiffs Kevin Wyatt and Kimberlee Califano as the Class Representatives;

13 5. Appoint Jean-Claude Lapuyade, Esq. of the JCL Law Firm, APC, and Shani O. Zakay,
14 Esq. of Zakay Law Group, APLC, as Class Counsel; and

15 6. Set a hearing date for final approval of the settlement.

16 This Motion is based upon: (1) this Notice of Motion; (2) the Memorandum of Points and
17 Authorities in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement; (3)
18 the Declaration of Jean-Claude Lapuyade, Esq.; (4) the Declaration of Shani O. Zakay, Esq.; (5) the
19 Declaration of Perssia Razma, Esq.; (6) the Declaration of Hon. Mitchel R. Goldberg (Ret.); (7) the
20 Declaration of Kevin Wyatt; (8) the Declaration of Kimberlee Califano; (9) the Declaration of the
21 Settlement Administrator; (10) the Agreement and Notice attached thereto; (11) the [Proposed] Order
22 Granting Preliminary Approval of Class Action and PAGA Settlement and exhibits attached thereto;
23 (12) the records, pleadings, and papers filed in this action; and (13) upon such other documentary and
24 oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

25 As this Motion is unopposed, the Parties respectfully request relief from the page limit
26 requirement set by California Rules of Court, Rule 3.1113(d).

27 Dated: July 3, 2024

JCL LAW FIRM, APC

28 By: Perssia Razma
Perssia Razma, Esq.
Attorneys for Plaintiffs