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8 AKANKSHA MASSEY, 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

14 AKANKSHA MASSEY, on behalf of herself
and as an “aggrieved employee” on behalf of
15 other “aggrieved employees” under the Labor
Code Private Attorneys General Act of 2004,
16

17 *Plaintiff,*

18 vs.

19 CHILDREN OF THE NIGHT, a California
corporation; and DOES 1–50, inclusive,
20

21 *Defendants.*
22

Case No. 21STCV30464

**NOTICE OF PLAINTIFF’S MOTION
AND MOTION FOR APPROVAL OF
PAGA SETTLEMENT**

Hearing Date: December 5, 2022
Hearing Time: 8:30 a.m.
Hearing Dept.: 20, The Honorable Kevin
C. Brazile
Reservation ID: 123818046945

Action filed: August 17, 2021
Trial Date:

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Akanksha Massey; and
3. [Proposed] Order and Judgment Approving PAGA Settlement



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

4 PLEASE TAKE NOTICE that on December 5, 2022 at 8:30 a.m., or as soon thereafter as
5 the matter may be heard, in Department 20 of the Los Angeles County Superior Court, located at
6 Stanley Mosk Courthouse, 111 North Hill Street, Los Angeles, CA 90012, Plaintiff Akanksha
7 Massey (“Plaintiff”) will and hereby does move this Court for an order approving the PAGA
8 Settlement Agreement (the “Settlement”)¹ between Plaintiff and Defendant Children Of The
Night (“Defendant”) (Plaintiff and Defendant are collectively the “Parties”).

9 The PAGA Settlement is on behalf of Akanksha Massey and all current and former hourly,
10 non-exempt California employees of Defendant Children Of The Night employed at any time
11 during the PAGA Period (the “PAGA Members”). The “PAGA Period” means the period from
12 June 11, 2020 through the date the Court approves the Settlement. Plaintiff alleges that Defendant
13 is liable to her and other PAGA Members for failure to pay employees all earned wages, failure
14 to provide meal periods, failure to authorize and permit rest periods, failure to indemnify for
15 business expenses, failure to issue proper wage statements, failure to timely pay wages and any
16 other Labor Code violations that were alleged in the Action, or that could have been alleged in
17 the Action based on the facts alleged in the Action, which includes, but is not limited to, alleged
violations of Labor Code sections 201, 202, 203, 204, 210, 226, , 226.7, 510, 512, 558, 1174,
1174.5, 1194, 1194.2, 1197, 1197.1, 2802, and 2698 *et seq.* (“PAGA Released Claims”).

18 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
19 Points and Authorities, the declarations of David Spivak and Akanksha Massey, the PAGA
20 Settlement, all papers and pleadings on file with the Court in this action, all matters judicially
21 noticeable, and on such oral and documentary evidence as may be presented in connection with
the hearing on the Motion.

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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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Respectfully submitted,

THE SPIVAK LAW FIRM

Dated: November 7, 2022

By: David Spivak
DAVID G. SPIVAK, Attorneys for
Plaintiff, AKANKSHA MASSEY



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Make a Reservation

A AKANKSHA MASSEY, AS AN "AGGRIEVED EMPLOYEE" ON BEHALF OF OTHER SIMILARLY SITUATED "AGGRIEVED EMPLOYEES" UNDER THE LABOR CO vs CHILDREN OF THE NIGHT, INC., A CALIFORNIA CORPORATION

Case Number: 21STCV30464 Case Type: Civil Unlimited Category: Other Employment Complaint Case
Date Filed: 2021-08-17 Location: Stanley Mosk Courthouse - Department 20

Reservation

Case Name:

A AKANKSHA MASSEY, AS AN "AGGRIEVED EMPLOYEE" ON BEHALF OF OTHER SIMILARLY SITUATED "AGGRIEVED EMPLOYEES" UNDER THE LABOR CO vs CHILDREN OF THE NIGHT, INC., A CALIFORNIA CORPORATION

Case Number:

21STCV30464

Type:

Motion to Confirm Settlement

Status:

RESERVED

Filing Party:

Akanksha Massey, (Plaintiff)

Location:

Stanley Mosk Courthouse - Department 20

Date/Time:

12/05/2022 8:30 AM

Number of Motions:

1

Reservation ID:

123818046945

Confirmation Code:

CR-3LRQJDKMP2JZC7LCQ

Fees

Description	Fee	Qty	Amount
Motion to Confirm Settlement	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
TOTAL			\$61.65

Payment

Amount:

\$61.65

Type:

MasterCard

Account Number:

XXXX7635

Authorization:

08994E

Print Receipt

[Reserve Another Hearing](#)

Chat

