

1 DAVID GLENN SPIVAK (SBN 179684)

david@spivaklaw.com

2 THE SPIVAK LAW FIRM

8605 Santa Monica Bl

3 PMB 42554

West Hollywood, CA 90069

4 Telephone: (213) 725-9094

5 Facsimile: (213) 634-2485

6 Attorneys for Plaintiff(s),

7 NAOMI MOJADDIDI, KIA SPURNEY, and all others similarly situated

(Additional attorneys for Plaintiff(s) on following page)

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SACRAMENTO**

11 **(UNLIMITED JURISDICTION)**

12 NAOMI MOJADDIDI, KIA SPURNEY, and
13 ANTOLIN NAJERA, on behalf of themselves
14 and all others similarly situated, the general
15 public, and as “aggrieved employees” on behalf
16 of other “aggrieved employees” under the Labor
17 Code Private Attorneys General Act of 2004,

18 *Plaintiff(s),*

19 vs.

20 ELITE DINERS, LLC, a California limited
21 liability company; ELITE DEVCO, LLC, a
22 California limited liability company; ELITE
23 SPORTS BAR GROUP, LLC, a California
24 corporation; SOCAL DINERS, LLC, a
25 California limited liability company; ELITE
26 BUSINESS ENTERPRISES, INC., a California
27 corporation; and DOES 1–50, inclusive,

28 *Defendant(s).*

Case No. 34-2020-00273090-CU-OE-GDS
Reservation # A-273090-001

**PLAINTIFFS’ NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: July 24, 2026

Hearing Time: 9:00 a.m.

Hearing Dept.: 23, The Honorable Jill H.
Talley

Action filed: January 08, 2020

Trial Date: Not set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak, Walter L. Haines, David Bibiyan, Naomi Mojaddidi, Kia Spurney, and Antolin Najera; and
3. [Proposed] Order



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1875 Century Park East
Fl 7
Los Angeles, CA 90067

ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

WALTER L. HAINES (SBN 71075)

walter@uelglaw.com

UNITED EMPLOYEES LAW GROUP

8605 Santa Monica Bl.

PMB 63354

West Hollywood, CA 90069

Telephone: (562) 256-1047

Facsimile: (562) 256-1006

Attorneys for Plaintiff(s),

NAOMI MOJADDIDI, KIA SPURNEY, and all others similarly situated

DAVID D. BIBIYAN (SBN 287811)

david@tomorrowlaw.com

VEDANG J. PATEL (SBN 328647)

vedang@tomorrowlaw.com

BIBIYAN LAW GROUP, P.C.

1460 Westwood Boulevard

Los Angeles, CA 90024

Telephone: (310) 438-5555

Facsimile: (310) 300-1705

Attorneys for Plaintiff(s),

ANTOLIN NAJERA, and all others similarly situated



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:

8605 Santa Monica Bl
PMB 42554

West Hollywood, CA 90069

(213) 725-9094 Tel

(213) 634-2485 Fax

SpivakLaw.com

Office:

1875 Century Park East

Fl 7

Los Angeles, CA 90067

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

2 PLEASE TAKE NOTICE that on July 24, 2026 at 9:00 a.m., or as soon thereafter as the
3 matter may be heard, in Department 23 of the Sacramento County Superior Court, located at the
4 Gordon D. Schaber Sacramento County Courthouse, 720 Ninth Street, Sacramento, CA 95814,
5 Plaintiffs Naomi Mojaddidi, Kia Spurney, and Antolin Najera (“Plaintiffs”) will and hereby do
6 move this Court for an order: (1) granting class certification of the Settlement Class solely for
7 settlement purposes pursuant to California Code of Civil Procedure section 382; (2) preliminarily
8 approving the Class Action and PAGA Settlement Agreement and Class Notice (the
9 “Settlement”)¹ between Plaintiffs and Defendants Elite Diners, LLC, Elite Devco, LLC, Elite
10 Sports Bar Group, LLC, SoCal Diners, LLC, and Elite Business Enterprises, Inc. (“Defendants”)
11 (Plaintiffs and Defendants are referred to below collectively as the “Parties”), (3) appointing David
12 Spivak of The Spivak Law Firm, Walter L. Haines of United Employees Law Group, and David
13 Bibiyan and Vedang Patel of Bibiyan Law Group, P.C. as Class Counsel; (5) appointing Plaintiffs
14 as Class Representatives (“Class Representatives”); (6) approving the use of the proposed notice
15 procedures and related forms; (7) directing that notice be mailed to the proposed Settlement Class;
16 and (8) scheduling a hearing date for motion for final approval of class action settlement and
17 awards of attorneys’ fees and costs.

18 The “Settlement Class” or “Class Members” consists of all current and former hourly,
19 non-exempt restaurant employees of Defendants in California during the Class Period. Settlement
20 ¶ 1.5. “Class Period” means the period from January 1, 2016 through December 31, 2024.

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

27
28 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak (“DS”), which is
submitted herewith under a separate cover.



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1875 Century Park East
Fl 7
Los Angeles, CA 90067

1 Class Members of their rights under the Settlement and fully comport with due process; and (5)
2 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
3 for motion for final approval of class action settlement, and awards of attorneys' fees and costs
4 should be set.

5 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
6 Points and Authorities, the Declarations of David Spivak, Walter L. Haines, David Bibiyan,
7 Naomi Mojaddidi, Kia Spurney, and Antolin Najera, all papers and pleadings on file with the
8 Court in this action, all matters judicially noticeable, and on such oral and documentary evidence
9 as may be presented in connection with the hearing on the Motion.

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1875 Century Park East
Fl 7
Los Angeles, CA 90067

1 Pursuant to Local Rule 1.06 (A), the Court will make a tentative ruling on the merits of
2 this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative ruling
3 may be downloaded off the Court's website. If the party does not have online access, they may
4 call the dedicated phone number for the department as referenced in the local telephone directory
5 between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the
6 tentative ruling. If you do not call the Court and the opposing party by 4:00 p.m. the court day
7 before the hearing, no hearing will be held

8
9 Respectfully submitted,

10 THE SPIVAK LAW FIRM

11
12 Dated: March 11, 2026

13 By: 
14 DAVID G. SPIVAK and LAUREN R.
15 DAVIS, Attorneys for Plaintiff(s),
16 NAOMI MOJADDIDI, KIA
SPURNEY, and all others similarly
situated

17 BIBIYAN LAW GROUP, P.C.

18
19 Dated: March 11, 2026

20 By: /s/ Vedang J. Patel (Authorized on 3/11/26)
21 DAVID D. BIBIYAN and VEDANG J.
22 PATEL,
23 Attorneys for Plaintiff(s), ANTOLIN
24 NAJERA, and all others similarly
situated



25 SPIVAK LAW
EMPLOYEE RIGHTS

26 Mail:
27 8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

28 Office:
1875 Century Park East
Fl 7
Los Angeles, CA 90067