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9 Attorneys for Plaintiff(s),

10 AMBER ASHLEY DAMAS, and all others similarly situated

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

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **FOR THE COUNTY OF SAN JOAQUIN**

14 **(UNLIMITED JURISDICTION)**

15 AMBER ASHLEY DAMAS, on behalf of
16 herself and as an “aggrieved employee” on behalf
17 of other “aggrieved employees” under the Labor
18 Code Private Attorneys General Act of 2004,

19 *Plaintiff(s),*

20 vs.

21 JUST WINGIN' IT, INC., a California
22 corporation; and DOES 1–50, inclusive,

23 *Defendant(s).*

Case No. STK-CV-UOE-2022-0007989

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

Hearing Date: January 3, 2025

Hearing Time: 9:00 a.m.

Hearing Dept.: 10B, The Honorable
Blanca A. Banuelos

Action filed: September 12, 2022

**Submitted Herewith Under Separate
Cover:**

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



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

2 PLEASE TAKE NOTICE that on January 3, 2025 at 9:00 a.m., or as soon thereafter as
3 the matter may be heard, in Department 10B of the San Joaquin County Superior Court, located
4 at Superior Court for the State of California, County of San Joaquin, Plaintiff Amber Ashley
5 Damas (“Plaintiff”) will and hereby does move this Court for an order approving the PAGA
6 Settlement Agreement (the “Settlement”)¹ between Plaintiff and Defendant Just Wingin' It, Inc.
7 (“Defendant”) (Plaintiff and Defendant are collectively the “Parties”).

8 The PAGA Settlement Agreement is on behalf of Amber Ashley Damas and all current
9 and former non-exempt California employees Defendant Just Wingin' It, Inc. employed at any
10 time during the PAGA Period (the “Aggrieved Employees”). The “PAGA Period” means the
11 period from September 12, 2021 through February 29, 2024. Plaintiff alleges that Defendant is
12 liable to her and other Aggrieved Employees for failing to pay all wages, meal and rest period
13 violations, failing to reimburse for work expenses, and any other Labor Code violations that were
14 alleged in the Action, or that could have been alleged in the Action based on the facts alleged in
15 the Action.

16 The Plaintiff seeks division of the \$235,000.00 Gross Settlement Amount as follows:

Item	Amount
PAGA Counsel Fees Payment	\$78,333.00
PAGA Counsel Litigation Expenses Payment	\$16,000.00
Administration Expenses Payment	\$7,500.00
PAGA civil penalties (Net Settlement Amount)	\$133,167.00
25% to Aggrieved Employees	\$99,875.25
75% to LWDA	\$33,291.75
Gross Settlement Amount	\$235,000.00

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



1 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
2 Points and Authorities, the declarations of David Spivak and Walter L. Haines, the PAGA
3 Settlement Agreement, all papers and pleadings on file with the Court in this action, all matters
4 judicially noticeable, and on such oral and documentary evidence as may be presented in
5 connection with the hearing on the Motion.

6 Respectfully submitted,

7 THE SPIVAK LAW FIRM

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9 Dated: November 26, 2024

By:



10 DAVID G. SPIVAK, Attorneys for
11 Plaintiff(s), AMBER ASHLEY
12 DAMAS
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