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9 Attorneys for Plaintiff Emma Jean Elwood

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11 SUPERIOR COURT OF CALIFORNIA
12 COUNTY OF ALAMEDA
13

14 EMMA JEAN ELWOOD, individually and on)
behalf of all aggrieved employees,)

15 Plaintiffs,)

16 v.)

17 ALL AMERICAN HEALTHCARE)
18 SERVICES, INC., ALAMEDA)
HEALTHCARE & WELLNESS CENTER,)
19 LLC a California limited liability company)
DBA ALAMEDA HEALTHCARE AND)
20 WELLNESS CENTER and DOES 1 to 100,)

21 Defendants.)
22)
23)
24)
25)

Case No. 23CV028398

Hon. Julia Spain

Dept. 520

CLASS ACTION

**NOTICE OF MOTION FOR COURT
APPROVAL OF PAGA SETTLEMENT**

Date: October 11, 2024

Time: 2:00 p.m.

Dept. 520

Reservation No.: A-28398-001

Action filed: February 27, 2023

1 **PLEASE TAKE NOTICE** that on October 11, 2024, at 2:00 pm., or as soon thereafter as
2 the matter may be heard before the Honorable Julia Spain of the Superior Court of the State of
3 California, County of Alameda located at 24405 Amador St., Hayward, CA 94544, Plaintiff Emma
4 Jean Elwood (“Plaintiff”) will and hereby does move for entry of an order and judgment as follows:

5 1. Granting approval, pursuant to California *Labor Code* §2699, subd. (1)(2) of the
6 proposed settlement between Plaintiff Emma Jean Elwood and Defendants, All American
7 Healthcare Services, Inc. D/B/A AllShifts (“AllShifts”), and Alameda Healthcare & Wellness
8 Center, LLC (“Alameda”) (hereinafter collectively referred to as “Defendants”) of the claims
9 brought pursuant to the Private Attorneys General Act of 2004 (“PAGA”) as set forth in the PAGA
10 Settlement Agreement (“Settlement Agreement”), attached as **Exhibit 1** to the Declaration of
Janelle Carney;

11 2. Approving the Net Distribution Amount payable to the State of California and
12 Aggrieved Employees as authorized by California *Labor Code* §2699(i);

13 3. Appointing ILYM Group, Inc. (“ILYM”) as the Settlement Administrator;

14 4. Directing Defendant to transmit settlement funds to the Settlement Administrator in
15 the total amount of Twenty Two Thousand Two Hundred Ninety Dollars (\$22,290), as set forth in
16 the Settlement Agreement;

17 5. Directing the Settlement Administrator to distribute the settlement funds to the
18 Aggrieved Employees, and distributing funds to the Labor and Workforce Development Agency
19 (“LWDA”), Plaintiff’s Counsel, and for Settlement Administration Costs, in accordance with the
20 terms of the Settlement Agreement;

21 6. Awarding to Plaintiff’s Counsel the amount of Six Thousand One Hundred Eighty
22 Dollars and Zero Cents. (\$6,180.00) as compensation for reasonable attorneys’ fees (“Attorneys’
23 Fees Payment”), up to \$3,000.00 for reimbursement of litigation costs and expenses (“Litigation
24 Costs Payment”) after the reimbursement of Plaintiff’s share of the mediation costs, and up to
25 \$3,450.00, for Settlement Administration Costs.

26 This motion is based on this Notice of Motion and Motion, the Memorandum of Points and
27 Authorities, the Settlement Agreement, the Declarations of Janelle Carney, Adam Rose, and Emma
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1 Jean Elwood, the pleadings and other records on file with the Court in this matter, and such
2 evidence and oral argument as may be presented at the hearing on this Motion.

3 **PLEASE TAKE FURTHER NOTICE:**

4 **Dept. 520 requires advance notice of intent to contest** a tentative ruling (TR) in all law
5 and motion matters. Your TR can be read on the internet at
6 www.alameda.courts.ca.gov/domainweb , calendar information for Dept. 520, or can be heard by
7 calling (866) 223-2244. The TR will automatically become the final order of the court unless by no
8 later than 4:00p.m. on the court day before the hearing a party **(1)** notifies the court and all
9 opposing parties by e-mail at Dept520@alameda.courts.ca.gov and states specifically the issue they
10 are contesting in the tentative ruling, OR **(2)** notifies all opposing counsel or unrepresented parties
11 by phone or in person that the party intends to appear to contest the TR and advises the court of
12 such. Contests that have not been properly noticed will not be heard. **You must include all**
13 **parties in your email to the court contesting the matter.**

14 If a party timely contests the Court's tentative ruling on a motion, the court will THEN send
15 out invitations to appear via ZOOM. Please note that the date to appear for oral argument may be
16 different then your motion date, possible new date and times will be given along with the Zoom
17 information. Please make sure all parties are aware that no ZOOM information will be given out
18 prior to the matter being contested. **You must include all parties in your email to the court**
19 **contesting the matter.**

20 Dated: October 1, 2024

FRONTIER LAW CENTER
JANELLE CARNEY – ATTORNEY AT LAW, APC

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22 By:



Janelle Carney, Attorney for Plaintiff