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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

**ELDER CARE ALLIANCE AND
ALMAVIA WAGE AND HOUR
CASES**

Included Actions:

MARITES BALLESTEROS v. ELDER
CARE ALLIANCE OF SAN
FRANCISCO INC. dba ALMAVIA OF
SAN FRANCISCO, et al.
Superior Court of California, County of
San Francisco, Case No. CGC-21-588913

YESENIA ARIAS v. ELDER CARE
ALLIANCE, et al. Superior Court of
California, County of Alameda, Case No.
RG21090600

YESENIA ARIAS v. ELDER CARE
ALLIANCE, et al. Superior Court of
California, County of
Alameda, Case No. RG21102829

MARTA AGUILAR v. ELDER CARE
ALLIANCE OF SAN RAFAEL INC., et
al. Superior Court of California, County of
Alameda, Case No. RG21107053

MARIA TABUYO v. MERCY
RETIREMENT AND CARE CENTER
AND ELDER CARE ALLIANCE INC., et
al. Superior Court of California, County of
Alameda, Case No. 22CV022908

MARITES BALLESTEROS v. ELDER
CARE ALLIANCE OF SAN
FRANCISCO INC. dba ALMAVIA OF
SAN FRANCISCO, et al. Superior Court
of California, County of Alameda, Case
No. 23CV046186

Case No.: RG21090600 (Lead Case)

CGC-21-588913 (San Francisco);
RG21090600;
RG21102829;
RG21107053;
22CV022908;
23CV046186;

CLASS & REPRESENTATIVE ACTION

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: December 9, 2025

Time: 02:30 P.M.

Location: Department 21

Judge: Hon. Somnath Raj Chatterjee

Ballesteros SF Action filed: January 13, 2021

Arias Class Action filed: March 3, 2021

Arias PAGA Action filed: June 24, 2021

Aguiar Action filed: July 29, 2021

Tabuyo Action filed: November 30, 2021

Ballesteros AM Action filed: October 2, 2023

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NOTICE OF MOTION AND MOTION

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

PLEASE TAKE NOTICE that on December 9, 2025, at 2:30 p.m. or as soon thereafter as the matter may be heard, in Department 21 of the above-captioned Court, Plaintiff Maria Ballesteros, Yesenia Arias, Maria Aguilar, Maria Tabuyo and the Putative Class (collectively, “Plaintiffs”), will and hereby do move for an order: (1) confirming the grant of class certification of the below-defined Class for settlement purposes only pursuant to Code of Civil Procedure § 382; (2) finally approving the class action and PAGA settlement set forth in the Class Action Settlement Agreement and Release of Claims (hereafter, the “Settlement”) entered into by them and Defendants Elder Care Alliance, AlmaVia of San Francisco, Elder Care Alliance of San Francisco, Eder Care Alliance of San Rafael, and Mercy Retirement and Care Center (collectively “Defendants”) (3) appointing Robert Ottinger of The Ottinger Firm, P.C.; Edwin Aiwazian, Melissa LeBlanc, Tara Zabehe, and Travis Maher of Lawyers for Justice, PC; Justin Lo of Work Lawyers, PC; and John G. Yslas and Jeffrey C. Bils of Wilshire Law Firm as Class Counsel for the Class; (4) confirming the appointment of Plaintiffs as the Class Representatives; (5) finally approving Class Counsel’s attorneys’ fees and costs to Class Counsel (consisting of \$1,925,000.00 in attorneys’ fees and \$50,692.95 in costs); (6) finally approving Representative Plaintiff Incentive Award of \$7,500.00 each to Marites Ballesteros, Yesenia Arias, Maria Aguilar, Maria Tabuyo (7) finally approving an award not to exceed \$16,000.00 in Claims Administration Costs to CPT Group, Inc.; and (8) causing the entry of the [Proposed] Order Granting Final Approval of Class Settlement and Judgment submitted concurrently herewith.

The Class is defined as all current and former hourly-paid or non-exempt employees of Defendants in California employed between January 13, 2017 through July 5, 2023. The PAGA Settlement Group is defined as all current and former hourly-paid or non-exempt employees of Defendants in California employed between August 20, 2020 through July 5, 2023.

This Motion is made on the following grounds: (1) the Class continues to meet all the requirements for class certification for settlement purposes only under Code of Civil Procedure § 382; (2) the Settlement is a fair, adequate, and reasonable compromise of the disputed wage and hour claims and the claims for penalties under PAGA in this case; (3) the proposed attorneys’ fees and costs, Claims Administration

1 Costs, and Representative Plaintiff's Incentive Awards to Plaintiff are all fair, adequate, and reasonable;
2 and (4) in view of the foregoing, the Settlement should be finally approved and the [Proposed] Order
3 Granting Final Approval of Class Settlement and [Proposed] Judgment should be entered.

4 This Motion is based on this Notice of Motion, the attached Memorandum of Points and
5 Authorities, the Declaration of Robert Ottinger and all exhibits thereto, the Declaration of Laura Singh,
6 and all exhibits thereto, the Declaration of Brian St. John, the Declaration of John Yslas, the Declaration
7 of Justin Lo, the Declarations of Plaintiffs Marites Ballesteros, Yesenia Arias, Maria Aguilar, and Maria,
8 Tabuyo, all papers and pleadings on file with the Court in this action, all matters judicially noticeable, and
9 on such oral and documentary evidence as may be presented in connection with the hearing on the Motion.

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11 Respectfully submitted,

12 THE OTTINGER FIRM, P.C.

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14 Dated: November 13, 2025

15 BY Katherine Roussos
16 KATHERINE ROUSSOS
17 Attorney for Plaintiff
18 Marites Ballesteros
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