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Attorneys for Plaintiff BESSIE R. FITE, on behalf
of herself and others similarly situated

(Additional counsel listed on following page)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

BESSIE R. FITE, an individual, on behalf of
herself and others similarly situated,

Plaintiff,

vs.

KOELSCH SENIOR COMMUNITIES,
LLC, a Washington limited liability
company; FRESNO MEMORY CARE,
LLC, a Delaware limited liability company;
CEDARBROOK MEMORY CARE
COMMUNITY, a California business entity,
form unknown; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 23CV010084

CLASS ACTION

Assigned for All Purposes To:
Hon. Laurie A. Damrell

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

*[Filed concurrently with Memorandum of Points
and Authorities; Declarations of Enoch J. Kim,
Brady Briggs, Brett Sutton, Bessie R. Fite,
Jennifer Martinez,, and Patrick Ivie; and
[Proposed] Order Granting Plaintiffs' Motion
for Preliminary Approval]*

Hearing Information:

Date: August 29, 2025

Time: 9:00 a.m.

Dept.: 22

Original Complaint Filed: August 10, 2023

First Amended Complaint Filed: June 26, 2025

Trial Date: None Set: None Set

1 SUTTON HAGUE LAW CORPORATION, P.C.
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5 Attorneys for Plaintiff JENNIFER MARTINEZ, on behalf
of herself and others similarly situated
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1 **TO THE COURT AND DEFENDANT AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on August 29, 2025, at 9:00 a.m. in Department 22 of the
3 Sacramento Superior Court located at 720 Ninth Street, Sacramento, CA 95814, Plaintiffs Bessie
4 R. Fite, and Jennifer Martinez (“Plaintiffs”), on behalf of themselves, and other similarly situated
5 employees of Defendants Koelsch Senior Communities, LLC, and Fresno Memory Care, LLC dba
6 Cedarbrook Memory Care Community (“Defendants”) (collectively, “the Parties”), will and
7 hereby does move this Court pursuant to California Code of Civil Procedure § 382 and California
8 Rule of Court 3.769 for an order as proposed:

9 1. Preliminarily approving the proposed class-wide settlement of this action as set
10 forth in the Parties’ Joint Stipulation of Class Action and PAGA Settlement (“Settlement
11 Agreement”), which is attached as Exhibit 1 to the Declaration of Enoch J. Kim (“Kim Decl.”),
12 filed herewith;

13 2. Approving the form and method for providing notice to the Class Members and
14 approving the form and content of the Parties’ proposed Notice of Class Action and PAGA
15 Settlement and Hearing Date for Final Court Approval (“Class Notice”) for sending to the Class
16 Members (provided at Exhibit A to the Settlement Agreement);

17 3. Approving for mailing the Class Notice packet, consisting of the Court approved
18 Class Notice and directing that it be sent to the Class Members;

19 4. Appointing Plaintiffs Bessie R. Fite, and Jennifer Martinez as Class
20 Representatives for settlement purposes only;

21 5. Appointing Emil Davtyan, David Yeremian, Alvin B. Lindsey, Enoch J. Kim,
22 Antonia McKee of D.Law, Inc., and Brett Sutton, Jared Hague, and Brady Briggs of Sutton Hague
23 Law Corporation, P.C. as Class Counsel for settlement purposes only.

24 6. Scheduling a Final Approval hearing date to consider the Parties’ request for Final
25 Approval of the proposed Settlement and Plaintiffs’ application for Attorneys’ Fees and Costs
26 Awards to Class Counsel for attorneys’ fees and reasonable expenses incurred in connection with
27 this Action, and Class Representative Service Payments to Plaintiffs for their services in this
28 Action.

1 7. Pursuant to Labor Code § 2699.3(b)(4), the Parties also seek approval of the
2 proposed settlement's allocation of funds to claims made under Labor Code §§ 2698, *et seq.*, the
3 Private Attorneys General Act of 2004 ("PAGA").

4 This Motion is made on the grounds that after good-faith, arm's length negotiations, the
5 Parties have agreed upon a Settlement which is fair, reasonable, and adequate and in the best
6 interests of the Class and all Parties. Defendant does not oppose the Motion. This Notice of
7 Motion and Motion is also based on the fact that this Settlement was the product of informed, non-
8 collusive negotiations by the Parties, who were represented by experienced and able counsel. *See*
9 *Dunk v. Ford Motor Co.* (1996) 48 Cal. App. 4th 1794, 1802; Manual for Complex Litigation
10 (Second) (1985) § 30.44. The proposed settlement meets the legal standard for preliminary
11 approval and is in the best interests of the Class; the proposed form of Class Notice explains the
12 Settlement terms in a clear and straightforward manner; the proposed procedures for notice
13 provide the best practical notice to the Class; and Class Members will have an opportunity to
14 participate in and/or object to the settlement and/or opt-out of the settlement.

15 This Motion is based upon this Notice of Motion, the accompanying Memorandum of
16 Points and Authorities, the Declarations of Enoch J. Kim, Brady Briggs, Bessie R. Fite, Jennifer
17 Martinez, and Patrick Ivie, the [Proposed] Order, the Parties' Settlement Agreement and Class
18 Notice, the Court's record of this action, all matters of which the Court may take notice, and upon
19 such oral or documentary evidence as the Court may receive at or before the hearing on this
20 unopposed Motion.

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

1 DATED: August 7, 2025

D.LAW, INC.

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3 By /s/ Enoch J. Kim
4 Emil Davtyan
5 David Yeremian
6 Alvin B. Lindsey
7 Enoch J. Kim
8 Antonia McKee
9 Attorneys for Plaintiffs and Settlement Class
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