

D.LAW, INC.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SEAN GITTENS, on behalf of himself
and all others similarly situated, and the
general public,

Plaintiff,

v.

NVA MASH CAPITAL
PARTNERS, LP, a California
corporation; NVA MASH
VETERINARY MANAGEMENT,
LP, a California corporation; NVA
ABBY GP, INC., a California
corporation; NATIONAL
VETERINARY ASSOCIATES,
INC., a Delaware corporation; and
DOES 1 through 50, inclusive,

Defendants.

Defendants.

Case No. 23STCV23169

*[Assigned for all purposes to the Hon. William F.
Hightberger, Dept. 10]*

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

*[Filed concurrently with the Memorandum of
Points and Authorities; Declaration of David
Keledjian; and [Proposed] Order Granting
Plaintiff's Motion for Preliminary Approval]*

Date: TBD

Time: TBD

Dept.: 10

Complaint Filed: September 21, 2023
FAC Filed: December 15, 2023
Trial Date: None Set

1 **TO THE COURT AND DEFENDANT AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on a date and time to be determined, in Department 10 of the
3 Courthouse of the Los Angeles County Superior Court, Spring Street Courthouse, 312 N. Spring
4 St., Los Angeles, CA 90012, Plaintiff SEAN GITTENS (“Plaintiff”), on behalf of himself and
5 other similarly situated employees of Defendants NVA MASH CAPITAL PARTNERS, LP, a
6 California corporation; NVA MASH VETERINARY MANAGEMENT, LP, a California
7 corporation; NVA ABBY GP, INC., a California corporation; NATIONAL VETERINARY
8 ASSOCIATES, INC (“Defendant”) (hereinafter Plaintiffs and Defendant collectively referred to
9 as the “Parties”), will and hereby do move this Court pursuant to California Code of Civil Procedure
10 § 382 and California Rule of Court 3.769 for an order as proposed:

11 (1) Preliminarily approving the class action settlement reached between Plaintiff and
12 Defendant, including granting preliminary approval of the following class: “all
13 persons employed by Defendant as non-exempt hourly employees who worked in
14 California from September 21, 2019 through October 18, 2024.”

15 (2) Approving the form of Notice of Class Action Settlement and procedure for notice to
16 the class; and

17 (3) Setting the final approval hearing.

18 Pursuant to Labor Code § 2699.3(b)(4), the Parties also seek approval of the proposed
19 settlement’s allocation of funds to claims made under the Labor Code Private Attorneys General
20 Act of 2004 (“PAGA”).

21 Pursuant to the proposed Class Action and PAGA Settlement Agreement (“Settlement” or
22 “Settlement Agreement”), filed concurrently herewith, Defendant does not oppose the preliminary
23 approval of the class action settlement.

24 Under the terms of the Settlement, the Parties have agreed that all claims brought on behalf
25 of the Class Members shall be fully and finally resolved for the total sum of Five Hundred and Fifty
26 Thousand Dollars and Zero Cents (\$550,000.00) (“Gross Settlement Amount” or “GSA”) to be
27 paid on a non-reversionary basis. The amount remaining of the Gross Settlement Amount after the
28

1 following deductions have been made (“Net Settlement Amount”) shall be available for distribution
2 to Class Members who do not opt out of the settlement:

- 3 • Up to one-third (33% 1/3) of the GSA, or \$183,333.33, to Class Counsel for
4 Attorneys’ Fees, and up to \$25,000.00 to Class Counsel for reimbursement of
5 reasonable expenses incurred to prosecute the Action;
- 6 • Up to \$5,000.00 to Plaintiff as an Enhancement Award for service as the class
7 representative;
- 8 • Up to \$8,500.00 to the Settlement Administrator for its fees and costs to
9 administer the Settlement; and
- 10 • \$28,000.00 to the LWDA of the State of California for settlement of claims for
11 civil penalties under PAGA and \$7,000.00 as the Net PAGA Settlement Amount
12 to be paid to PAGA Members.

13 This Notice of Motion and Motion is based on the fact that this is a fair and reasonable
14 settlement that benefits the class and was the product of informed, non-collusive negotiations by
15 the parties who were represented by experienced and able counsel. *See Dunk v. Ford Motor Co.*
16 (1996) 48 Cal. App. 4th 1794, 1802; Manual for Complex Litigation (Second) (1985)§ 30.44. The
17 proposed settlement meets the legal standard for preliminary approval and is in the best interests of
18 the class; the proposed form of notice explains the settlement terms in a clear and straightforward
19 manner; the proposed procedures for notice provide the best practical notice to the class; and that
20 Class Members will have an opportunity to participate in and/or object to the settlement and/or opt-
21 out of the settlement.

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1 This Notice of Motion and Motion is based on this Notice, the accompanying
2 Memorandum of Points and Authorities, the Declaration of David Keledjian, the pleadings,
3 records and files in the case, and such other further oral and documentary evidence which may be
4 submitted at or before the hearing on this Motion.

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6 Dated: August 22, 2025

Respectfully submitted,

7 D.LAW, INC.

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9 By _____/s/ David Keledjian_____

10 Emil Davtyan
11 David Yeremian
12 David Keledjian
13 David Arakelyan
14 Attorneys for Plaintiff SEAN GITTENS, on
15 behalf of himself and others similarly
16 situated
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