

D.LAW, INC.
Emil Davtyan (SBN 299363)
Emil@d.law
David Yeremian (SBN 226337)
d.yeremian@d.law
Natalie Haritounian (SBN 324318)
n.haritounian@d.law
Jonas Agle (SBN 352712)
j.agle@d.law
450 N. Brand Blvd., Suite 840
Glendale, CA 91203
Telephone: (818) 962-6465
Fax: (818) 962-6469

Attorneys for Plaintiff MARY LOU KENNEDY,
on behalf of herself and others similarly situated

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

MARY LOU KENNEDY, an individual on
behalf of herself and all others similarly
situated,

Plaintiff,

vs.

CHAPA-DE INDIAN HEALTH
PROGRAM, INC., dba CHAPA-DE
INDIAN HEALTH, a California Non-Profit
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: S-CV-0051854

CLASS ACTION

Assigned for All Purposes To:
Hon. Alan V. Pineschi

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR AN ORDER (1)
PRELIMINARILY APPROVING THE
CLASS ACTION SETTLEMENT; (2)
APPROVING NOTICE OF
SETTLEMENT; AND (3) SETTING
HEARING FOR FINAL APPROVAL**

Date: March 13, 2025
Time: 8:30am
Dept: 3

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

2 PLEASE TAKE NOTICE that on March 13, 2025 at 8:30 a.m., or as soon thereafter as
3 this matter may be heard, at Department 3, located at 101 Maple St., Auburn, CA 95603, Plaintiff
4 Mary Lou Kennedy (hereinafter “Plaintiff”), on behalf of herself and all persons similarly
5 situated, will and hereby moves this Court pursuant to California Code of Civil Procedure § 382
6 and California Rule of Court 3.769 for an order:

7 (1) Preliminarily approving the class action settlement reached between Plaintiff and
8 Defendant Chapa-De Indian Health Program dba Chapa-De Indian Health
9 (“Defendant”), including granting preliminary approval of the following class: “all
10 persons employed by Defendant in California and classified as non-exempt hourly
11 employee who worked for Defendant at any time between December 18, 2019, to
12 September 23, 2024.”

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

15 (3) Setting the final approval hearing.

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

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

22 Under the terms of the Settlement, the parties have agreed that all claims brought on
23 behalf of the Class Members shall be fully and finally resolved for the total sum of Five Hundred
24 Thirty-Five Thousand Dollars and Zero Cents (\$535,000.00) (“Gross Settlement Amount”) to be
25 paid on a non-reversionary basis. The amount remaining of the Gross Settlement Amount after
26 the following deductions have been made (“Net Settlement Amount”) shall be available for
27 distribution to Class Members who do not opt out of the settlement:

- 28 • not more than One Hundred Seventy-Eight Thousand Three Hundred and Thirty-

Three Dollars and Thirty-Three Cents (\$178,333.33) to Class Counsel for attorneys' fees, and not more than Twenty Five Thousand Dollars and Zero Cents (\$25,000.00) to Class Counsel for litigation costs;

- not more than Eleven Thousand Dollars and Zero Cents (\$11,000.00) for the Settlement Administration Costs;
- not more than Five Thousand Dollars and Zero Cents (\$5,000.00) to Plaintiff for a Class Representative Enhancement Payment; and
- Thirty Thousand Dollars and Zero Cents (\$30,000) for civil penalties under the PAGA, where 75% (\$22,500.00) will be paid to the LWDA and 25% (\$7,500.00) will be paid to Class Members for their Individual PAGA Payments.

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

///

///

///

///

///

///

///

///

///

1 This Notice of Motion and Motion is based on this Notice, and the exhibits thereto
2 (including the Notice to Class Members), the accompanying Memorandum of Points and
3 Authorities, the Declaration of Natalie Haritounian, the pleadings, records and files in the case,
4 and such other further oral and documentary evidence which may be submitted at or before the
5 hearing on this Motion.

6 Dated: January 27, 2025

Respectfully submitted,

7 D.LAW, INC.

8
9 By Natalie Haritounian
10 Natalie Haritounian
11 Attorneys for Plaintiff, MARY LOU
12 KENNEDY, on behalf of herself and others
13 similarly situated
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28