

MIRZAYAN LAW, APLC
Natalie Mirzayan, Esq., SBN 272217
26632 Towne Centre Drive, Suite 300
Foothill Ranch, California 92610
Telephone: (949) 285-3550
mirzayanlaw@outlook.com

Attorney for Plaintiff Daniel Mitchell
and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

DANIEL MITCHELL, individually and on behalf of all current and former similarly situated employees in the State of California,	) CASE NO.: 30-2024-01377755-CU-OE-CXC
	) ASSIGNED FOR ALL PURPOSES TO:
Plaintiffs,	) Hon. Layne H. Melzer
	)
	) Dept.: CX-103
	)
v.	) Reservation Number: 74560426
	)
	) Date: August 14, 2025
THOVAN HOSPITALITY, LLC; AGNES	) Time: 2:00 p.m.
RESTAURANT & CHEESRY; THOMAS	) Dept.: CX-103
KALB, an individual; VANESSA TILAKA, an	)
individual; ALLAN LIAO, an individual; and	) NOTICE OF MOTION AND MOTION
DOES 1 to 50, inclusive,	) FOR PRELIMINARY APPROVAL OF
	) CLASS ACTION AND PAGA
Defendants.	) SETTLEMENT AND FOR
	) PROVISIONAL CLASS
	) CERTIFICATION FOR SETTLEMENT
	) PURPOSES ONLY
	)
	)
	)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 14, 2025, at 2:00 p.m., or as soon thereafter as this matter may be heard in Department CX-103 of the Orange County Superior Court of the State of California, located at 751 W Santa Ana Blvd, Santa Ana, CA 92701, Plaintiff DANIEL MITCHELL (“Plaintiff” or “Class Representative”) will move, and does move on behalf of himself and all others similarly situated, for an Order:

- 1) Granting Preliminary Approval of the proposed Class Action Settlement in this Action;
- 2) Certification of the Class for Settlement purposes only, defined as follows:

All current and former non-exempt employees of Defendants in California who worked for Defendants during the Class Period.

- 3) Granting Preliminary Approval of the proposed PAGA Settlement in this action on behalf of all “Aggrieved Employees”, defined as follows:

All current and former non-exempt employees of Defendants in California who worked for Defendants during the PAGA Period.

- 4) Preliminary approval of a non-revisionary settlement payment by THOVAN HOSPITALITY, LLC; AGNES RESTAURANT & CHEESRY; THOMAS KALB; and VANESSA TILAKA (“Payors”) in the amount of Two Hundred and Forty Thousand Dollars (\$240,000.00) to resolve all claims, and costs relating to the Settlement, inclusive of all Net Settlement Payments to the Class (including PAGA payments), the enhancement award to Plaintiffs, costs to the Administrator, costs awarded to Class Counsel (Natalie Mirzayan of Mirzayan Law, APLC), Class Counsel Fees (estimated to be \$96,000), and payment of PAGA penalties to the LWDA. Payors will separately pay for any required employer payroll taxes.

- 5) Preliminary approval of Plaintiff, DANIEL MITCHELL as a Class Representative;
- 6) Preliminary approval of Natalie Mirzayan of Mirzayan Law, APLC as Class Counsel;
- 7) Preliminary approval of the form and manner of the Notice to the Class;
- 8) Preliminary approval of the appointment of Apex Class Action Administrators. (“Apex”) as the Administrator and preliminary approval of the costs of administration of the Settlement for an

1 amount estimated not to exceed \$8,500.00 to be paid from the Common Settlement Fund
2 (“Administration Expenses”);

3 9) Preliminary approval of the Class Representatives Service Payment to Class Representative
4 of not more than \$10,000.00 to DANIEL MITCHELL (in addition to any Individual Class Payment
5 and any Individual PAGA Payment the Class Representative is entitled to receive as a Participating
6 Class Member) to be paid from the Common Settlement Fund (“Class Representative Service
7 Payment”);

8 10) Preliminary approval of the application by Class Counsel to the Court seeking an award of
9 attorneys' fees 40% of the Common Settlement Fund not to exceed (\$96,000.00), and Litigation
10 Expenses as supported by invoices to be paid from the Common Settlement Fund;

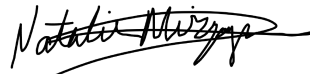
11 11) Preliminary approval of the payment of Twenty Thousand Dollars (\$20,000.00) from the
12 Common Settlement Fund to fully settle and resolve all PAGA penalty claims. Twenty Thousand
13 Dollars (\$20,000.00), representing seventy-five percent (75%), to be paid to the Labor and
14 Workforce Development Agency (“LWDA”) of the State of California, and the remaining \$5,000.00,
15 which represents twenty-five percent (25%), to be distributed to Aggrieved Employees on a pro-rata
16 basis based on the total number of PAGA Period Workweeks.

17 12) Establishing a schedule for the Class Notice to Class Members; and

18 13) Setting a Final Approval hearing date.

19 This **unopposed** motion will be based on this Notice of Motion, the attached Memorandum
20 of Points and Authorities filed herewith, the Declaration of Natalie Mirzayan, exhibits attached
21 thereto, argument of counsel and upon such other material contained in the file and pleadings of this
22 action.

1 Dated: July 3, 2025



2
3 NATALIE MIRZAYAN
MIRZAYAN LAW, APLC

4 Attorney for Plaintiff Daniel Mitchell
5 and the Proposed Class
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27