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Attorneys for Plaintiff CAMAY JONTUE MCELVANE
on behalf of herself and others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA

CAMAY JONTUE MCELVANE and TROY
HEIDELBURG, individuals on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

EAST BAY ASIAN LOCAL
DEVELOPMENT CORPORATION, a
California non-profit corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No.: C24-02918

CLASS ACTION

Assigned for All Purposes To:
Hon. Edward G. Weil

**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: _____
Time: _____
Dept: 39

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

2 PLEASE TAKE NOTICE that on _____ at _____ a.m./p.m., or as soon
3 thereafter as this matter may be heard, in Department 39, located at 725 Court Street, Martinez
4 CA 94553, Plaintiff CAMAY JONTUE MCELVANE (hereinafter “Plaintiff”), on behalf of
5 herself and all persons similarly situated, will and hereby moves this Court pursuant to California
6 Code of Civil Procedure § 382 and California Rule of Court 3.769 for an order:

7 (1) Preliminarily approving the class action settlement reached between Plaintiff and
8 Defendant East Bay Asian Local Development Corporation (“Defendant”), including
9 granting preliminary approval of the following class: “all persons employed by
10 Defendant in California and classified as non-exempt, hourly employee who worked
11 for Defendant during the period from October 28, 2020, to October 23, 2025.”

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

14 (3) Setting the final approval hearing.

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

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

21 Under the terms of the Settlement, the parties have agreed that all claims brought on
22 behalf of the Class Members shall be fully and finally resolved for the total sum of Four Hundred
23 Thirty-Nine Thousand Dollars and Zero Cents (\$439,000.00) (“Gross Settlement Amount”) to be
24 paid on a non-reversionary basis. The amount remaining of the Gross Settlement Amount after
25 the following deductions have been made (“Net Settlement Amount”) shall be available for
26 distribution to Class Members who do not opt out of the settlement:

- 27 • not more than One Hundred Forty-Six Thousand Three Hundred Thirty-Three
28 Dollars and Thirty-Three Cents (\$146,333.33) to Class Counsel for attorneys’ fees,

1 and not more than Thirty Thousand Dollars and Zero Cents (\$30,000.00) to Class
2 Counsel for litigation costs;

- 3 • not more than Ten Thousand Four Hundred Ninety Dollars and Zero Cents
4 (\$10,490.00) for the Settlement Administration Costs;
- 5 • not more than Five Thousand Dollars and Zero Cents (\$5,000.00) to Plaintiff for a
6 Class Representative Service Payment; and
- 7 • Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) for civil penalties
8 under the PAGA, where 65% (\$16,250.00) will be paid to the LWDA and 35%
9 (\$8,750.00) will be allocated to Individual PAGA Payments.

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

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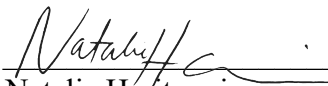
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1 This Notice of Motion and Motion is based on this Notice, and the exhibits thereto
2 (including the Notice to Class Members), the accompanying Memorandum of Points and
3 Authorities, the Declaration of Natalie Haritonian, the pleadings, records and 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: February 23, 2026

Respectfully submitted,

7 D.LAW, INC.

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9 By _____
10 Natalie Haritonian
11 Attorneys for Plaintiff, CAMAY JONTUE
12 MCELVANE on behalf of herself and others
13 similarly situated
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