D.LAW, INC.
Natalie Haritoonian (SBN 324318)
Matthew Carraher (SBN 346860)
Enoch Kim (SBN 261146)
Jonas Agle (SBN 352712)
250 N Madison Ave., 2nd Floor
Pasadena, CA 91101
Telephone: (818) 962-6465/ Fax: (818) 962-6469
Emails: n.haritoonian@d.law, m.carraher@d.law,
e.kim@d.law, j.agle@d.law

Attorneys for Plaintiff INES BECERRA ALVARADO,
on behalf of herself and others similarly situated

James R. Hawkins, Esq. SBN 192925
Isandra Fernandez, Esq. SBN 220482
Anthony L. Draper SBN 344391
JAMES HAWKINS APLC
9880 Research Drive, Suite 200
Irvine, CA 92618
TEL: (949) 387-7200
FAX: (949) 387-6676

Attorneys for Plaintiff, ELVIRA ZAVALA,
on behalf of herself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

Elvira Zavala and Ines Becerra Alvarado, on behalf of herself and all others similarly situated

Plaintiffs,

vs.

COSTA MESA HEALTHCARE INC., doing business as NEWPORT SUBACUTE HEALTHCARE CENTER, a California corporation; and DOES 1 through 50, inclusive

CLASS ACTION

Case No.: 30-2024-01443677-CU-OE-CXC

Assigned for All Purposes To:
Hon. William Claster
Dept.: CX101

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

Hearing Information:
Date: December 18. 2026
Time: 9:00 a.m.
Dept.: CX101

Reservation Number: **75010489**

TO THE COURT AND DEFENDANT AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 18, 2026, at 9:00 a.m. in Department CX101 of the Orange Superior Court located at 751 West Santa Ana Blvd., Santa Ana, CA 92701, Plaintiffs Elvira Zavala and Diana Rosario Alvarado (formerly Ines Becerra Alvarado) ("Plaintiffs"), on behalf of themselves, and other similarly situated employees of Defendant COSTA MESA HEALTHCARE INC., doing business as NEWPORT SUBACUTE HEALTHCARE CENTER (collectively referred to as "Defendants") (collectively, "the Parties"), will and hereby does move this Court pursuant to California Code of Civil Procedure § 382 and California Rule of Court 3.769 for an order as proposed:

1. Preliminarily approving the proposed class-wide settlement of this action as set forth in the Class Action and PAGA Settlement Agreement ("Settlement Agreement"), which is attached as Exhibit 1 to the Declaration of Enoch J. Kim ("Kim Decl."), filed herewith;

2. Approving the form and method for providing notice to the Class Members and approving the form and content of the Parties' proposed Notice of Class Action Settlement and Hearing Date for Final Court Approval ("Class Notice") for sending to the Class Members (provided at Exhibit A to the Settlement Agreement);

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

4. Appointing Plaintiffs Elvira Zavala and Diana Rosario Alvarado (formerly Ines Becerra Alvarado) as Class Representatives for settlement purposes only;

5. Appointing Natalie Haritoonian, Esq., Enoch J. Kim, Esq., Matthew Carraher, Esq., and Jonas Agle, Esq. of D.Law, Inc. and James R. Hawkins, Isandra Fernandez, and Anthony L. Draper of James Hawkins APLC as Class Counsel for settlement purposes only.

6. Scheduling a Final Approval hearing date to consider the Parties' request for Final Approval of the proposed Settlement and Plaintiff's application for Attorneys' Fees and Costs Awards to Class Counsel for attorneys' fees and reasonable expenses incurred in connection with this Action, and Class Representative Service Payment to Plaintiff for his services in this Action.

7. Pursuant to Labor Code § 2699.3(b)(4), the Parties also seek approval of the

proposed settlement's allocation of funds to claims made under Labor Code §§ 2698, *et seq*., the Private Attorneys General Act of 2004 ("PAGA").

Under the terms of the Settlement, the Parties have agreed that all claims brought on behalf of the Class Members shall be fully and finally resolved for the total sum of $500,000.00 ("Gross Settlement Amount") to be paid on a non-reversionary basis. The amount remaining of the Gross Settlement Amount after the following deductions have been made ("Net Settlement Amount") shall be available for distribution to Class Members who do not opt out of the settlement:

- Up to one-third of the Gross Settlement Amount, or **$175,000.00**, to Class Counsel as attorneys' fees for the litigation and resolution of this Action and up to **$30,000.00** for actual costs incurred in this Action;
- A not-to-exceed amount of **$6,500.00** to the Settlement Administrator for its costs of administration of the Settlement;
- Up to **$7,500.00** to each Plaintiff as an award for their service as a class representative; and
- **$40,000.00** for settlement of claims for civil penalties under PAGA, with 35% ($14,000) allocated to the PAGA Members ("Individual PAGA Payments") and 65% ($26,000) allocated to the LWDA ("LWDA PAGA Payment").

This Motion is made on the grounds that after good-faith, arm's length negotiations, the Parties have agreed upon a Settlement which is fair, reasonable, and adequate, and in the best interests of the Class and all Parties. Defendants do not oppose the Motion. This Notice of Motion and Motion is also based on the fact that this Settlement 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 Class 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 Class Members will have an opportunity

to participate in and/or object to the settlement and/or opt-out of the settlement.

This Motion is based upon this Notice of Motion, the accompanying Memorandum of Points and Authorities, the Declarations of Enoch J. Kim, Anthony Draper, Diana Rosario Alvarado, and Jonathan Paul, the [Proposed] Order, the Parties' Settlement Agreement and Class Notice, the Court's record of this action, all matters of which the Court may take notice, and upon such oral or documentary evidence as the Court may receive at or before the hearing on this unopposed Motion.

Dated: November 16, 2026

D.LAW, INC.

By 

Natalie Haritoonian
Matthew Carraher
Enoch J. Kim
Antonia McKee
Attorneys for Plaintiffs and Settlement Class