

BOYAMIAN LAW, INC.
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Electronically FILED by
Superior Court of California,
County of Los Angeles
8/14/2026 10:53 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By S. Bolden, Deputy Clerk

Attorney for Plaintiff MARCELA MARTINEZ
DE BAEZA, an Individual, On Behalf of Herself,
Other Aggrieved Employees, and the General
Public

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

MARCELA MARTINEZ DE BAEZA,
an individual, on behalf of herself, all
other aggrieved employees, and the
general public,

Plaintiff,

v.

ELI INC. WHICH WILL DO
BUSINESS IN CALIFORNIA AS
NALAS RESIDENTIAL FACILITY, a
Nevada Corporation; FLORA M.
CROW, an individual, and DOES 1
through 25, inclusive,

Defendant.

CASE NO. 23STCV19734

*(Assigned for All Purposes to the Hon. Robert B.
Broadbelt, III, Dept. 53)*

**NOTICE OF ORDER RE: HEARING ON
MOTION FOR FINAL APPROVAL OF
SETTLEMENT**

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that the Court has granted the Motion for Preliminary
3 Approval of Settlement Class Action filed by Plaintiff on 05-01-2026.

4 **PLEASE TAKE FURTHER NOTICE** that the Court scheduled the Hearing on Motion
5 for Final Approval of Settlement for December 11, 2026 at 10:00 AM in Department 513 at
6 Stanley Mosk Courthouse. The Order is attached hereto as **Exhibit 1**.

7 Plaintiff was ordered to give Notice.
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10 DATED: August 14, 2026

BOYAMIAN LAW, INC

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12 By: 
13 Michael H. Boyamian,
14 Attorney for Marcela Martinez de Baeza
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Exhibit “1”

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 513

23STCV19734

August 13, 2026

**MARCELA MARTINEZ DE BAEZA vs ELI INC. WHICH
WILL DO BUSINESS IN CALIFORNIA AS NALAS
RESIDENTIAL FACILITY, et al.**

10:00 AM

Judge: Honorable Robert B. Broadbelt
Judicial Assistant: K. Mason
Courtroom Assistant: C. Vaughn

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Michael Hagop Boyamian (Telephonic)

For Defendant(s): Kevin R. Nowicki, Esq. (Telephonic)

NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Approval of Settlement Class Action filed by Plaintiff on 05-01-2026; 884151573548; Order to Show Cause Re: (1) preliminary approval of class action settlement and (2) approval of PAGA settlement

Case is called.

The Order to Show Cause Re: (1) preliminary approval of class action settlement and (2) approval of PAGA settlement is discharged.

All counsel appearing for parties this day represent that they have seen the tentative ruling posted by the Court, and submit thereon. The matter stands submitted. The tentative ruling is adopted as the Order of the Court on grounds fully reflected therein and is signed and filed as the specially-prepared order of the Court.

The Motion for Preliminary Approval of Settlement Class Action filed by Plaintiff on 05-01-2026; (CRS # 884151573548) filed by Marcela Martinez De Baeza on 05/01/2026 is Granted.

The court considered the moving papers filed in connection with this motion. No opposition was filed.

DISCUSSION

Plaintiff Marcela Martinez De Baeza ("Plaintiff") moves the court for an order provisionally certifying a Settlement Class and preliminarily approving a class and PAGA action settlement.

The parties have reached a settlement of \$135,000.00. (Boyamian Decl., Ex. 1 [Settlement Agreement] ¶ 1.22 [defining gross settlement amount].)

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CSR: None
ERM: None
Deputy Sheriff: None

Labor Code section 2699, subdivision (s)(2) provides that “[t]he superior court shall review and approve any settlement of any civil action pursuant to” PAGA. The court’s review of PAGA settlements “ensur[es] that any negotiated resolution is fair to those affected.” (Williams v. Superior Court (2017) 3 Cal.5th 531, 549.) “[A] presumption of fairness exists where: (1) the settlement is reached through arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small.” (Wershba v. Apple Computer, Inc. (2001) 91 Cal.App.4th 224, 244-245 [disapproved on other grounds].) “[T]he test is not the maximum amount plaintiffs might have obtained at trial on the complaint, but rather whether the settlement is reasonable under all of the circumstances.” (Id. at p. 250.)

The court must also review and approve settlements of class litigation. (Cal Rules of Court, Rule 3.769, subd. (a).) The court has a “fiduciary responsibility” as guardian of absent class members’ rights to ensure the settlement is fair. (Luckey v. Superior Court (2014) 228 Cal.App.4th 81, 95.) Under California law, a presumption of fairness attaches to a settlement where: “(1) the settlement is reached through arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objections is small.” (Dunk v. Ford Motor Co. (1996) 48 Cal.App.4th 1794, 1802.)

In California, there are two certification prerequisites: (1) the existence of an “ascertainable class;” and (2) “a well-defined community of interest in the questions of law and fact involved affecting the parties to be represented.” (Sotelo v. MediaNews Group, Inc. (2012) 207 Cal.App.4th 639, 647.) To certify a class, the party advocating class treatment must demonstrate: (1) a numerous class; (2) predominant common questions of law or fact; (3) class representatives with claims or defenses typical of the class; and (4) class representatives who can adequately represent the class.” (Brinker Restaurant Corp. v. Superior Court (2012) 53 Cal.4th 1004, 1021.)

The court finds that all requirements for class treatment have been met and that equity warrants class treatment. Plaintiff has demonstrated a numerous class with predominant common questions of law or fact relating to these wage and hour claims such that joinder of all members would be impracticable. (Boyamian Decl. ¶ 56.) As one of the aggrieved employees, Plaintiff’s claims are typical of the class, and Plaintiff has demonstrated that she can adequately represent the class. (De Baeza Decl. ¶¶ 7-14.)

The court has reviewed (1) the terms of the Settlement Agreement, including (i) the gross

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CSR: None
ERM: None
Deputy Sheriff: None

settlement amount of \$135,000, the \$10,000 enhancement payment to Plaintiff, attorney's fees not to exceed 35 percent of the gross settlement amount (\$47,250.00) and litigation expenses (not to exceed \$15,000), the administrator expense payment (\$3.990), (ii) the \$10,000 PAGA payment, of which 75 percent, or \$7,500, will be paid to the Labor and Workforce Development Agency, and of which the remaining 25 percent, or \$2,500, will be allocated to the aggrieved employees, (iii), the net settlement amount of \$51,260.00 to be distributed to the proposed class members, (iv) the settlement funding procedures, and (v) the release of the claims by Plaintiffs and the aggrieved employees, the latter of which are deemed to release all claims that were or reasonably could have been alleged based on the facts alleged in the Complaint and the PAGA notice; (2) the declarations of Plaintiff, in which Plaintiff attests to her involvement in this action; and (3) the declaration of Plaintiffs' counsel, Michael Boyamian, in which Boyamian asserts that (i) Plaintiff's counsel investigated the claims against Defendants, (ii) the parties attended an all-day mediation, at which the parties reached an agreement in principle to settle this action, (iii) the settlement was reached through arms-length bargaining, and (iv) counsel is experienced in employment law and wage and hour claims. (Boyamian Decl., Ex. 1 [Settlement Agreement], ¶¶ 1.22, 3.2,-5.4; De Baeza Decl. ¶¶ 7-14; Boyamian Decl., ¶¶ 5-20.)

The court has also considered counsel's declaration to determine the reasonableness of the request for attorney's fees in the amount of \$47,250.00, which is the maximum amount permitted by the Settlement Agreement. For the reasons set forth below, the court finds that an award of reasonable attorney's fees is \$47,250.00 and will therefore approve an award in that amount.

"[W]hen class action litigation establishes a monetary fund for the benefit of the class members, and the trial court in its equitable powers awards class counsel a fee out of that fund, the court may determine the amount of a reasonable fee by choosing an appropriate percentage of the fund created." (Laffitte v. Robert Half Internat. Inc. (2016) 1 Cal.5th 480, 503.) "A lodestar cross-check . . . provides a mechanism for bringing an objective measure of the work performed into the calculation of a reasonable attorney fee. If a comparison between the percentage and lodestar calculations produces an imputed multiplier far outside the normal range, indicating that the percentage fee will reward counsel for their services at an extraordinary rate even accounting for the factors customarily used to enhance a lodestar fee, the trial court will have reason to examine its choice of a percentage." (Id. at p. 504.)

The requested amount of attorney's fees is 35 percent of the gross settlement amount. The court (1) has exercised its discretion to conduct a lodestar cross-check on the percentage fee, and (2) finds that Plaintiff has established a lodestar of \$50,150 (59 hours x Attorney Boyamian's \$850

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CSR: None
ERM: None
Deputy Sheriff: None

hourly rate). (Laffitte, supra, 1 Cal.5th at p. 506 [trial courts have discretion to conduct lodestar cross-check] Boyamian Decl. ¶ 59.) As the fee award requested in the settlement is less than the lodestar calculation to which Attorney Boyamian testifies, the court finds that the requested attorney's fees are reasonable.

The court finds that Plaintiff has supported the request for \$11,417.04 in litigation costs. (Boyamian Decl., Ex. 3.) The remaining \$3,582.96 will be allocated to the net settlement. (Boyamian Decl., Ex. 1, Settlement Agreement, ¶ 3.2.2.)

Based on the arguments and evidence set forth in Plaintiff's motion and supporting declarations, the court finds that the Settlement Agreement is fair, adequate, and reasonable.

The court has also reviewed the Settlement's procedures for giving notice to class members and finds that it conforms to the requirements of the Rules of Court. (Boyamian Decl. Ex. 1 ¶¶ 7.1-7.8; Cal. Rules of Court, Rule 3.769, subd. (f).)

The court therefore grants in part Plaintiff's motion, as modified to reduce the award of litigation expenses to the requested amount of \$11,417.04. The court has calculated the new net settlement amount to be \$54,842.96 (\$135,000 gross settlement -- \$47,250.00 in attorney's fees -- \$11,417.04 in litigation expenses -- \$10,000 total enhancement payment to Plaintiff -- \$3,990 in administration expenses to Apex -- \$10,000 in PAGA payments).

ORDER

The court GRANTS plaintiff Marcela Martinez De Baeza's motion for provisional class certification and preliminary approval of class and PAGA settlement subject to the following:

The court orders that plaintiff Marcela Martinez De Baeza shall be awarded reduced litigation expenses in the amount of \$11,417.04, with the remaining \$3,582.96 reallocated to the net settlement amount.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

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Judge: Honorable Robert B. Broadbelt
Judicial Assistant: K. Mason
Courtroom Assistant: C. Vaughn

CSR: None
ERM: None
Deputy Sheriff: None

The court orders plaintiff Marcela Martinez De Baeza to give notice of this ruling.

Pursuant to the Order FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT, SETTING OF A FINAL APPROVAL HEARING AND APPROVAL OF NOTICE TO THE CLASS signed and filed today, the Court orders the following.

Hearing on Motion for Final Approval of Settlement is scheduled for 12/11/26 at 10:00 AM in Department 513 at Stanley Mosk Courthouse.

Plaintiff is ordered to give notice.

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 years and not a party to the within action; my business address is 550 North Brand Boulevard, 15th
5 Floor, Glendale, California 91203. On August 14, 2026, I served, in the manner indicated below,
6 the foregoing document described as:

7 **NOTICE OF ORDER RE: HEARING ON
8 MOTION FOR FINAL APPROVAL OF SETTLEMENT**

9 on the interested parties in this action as follows:

10 GORDEE, NOWICKI & BLAKENEY, LLP
11 Kevin R. Nowicki, SBN 128686
12 100 Spectrum Center Drive, Suite 870
13 Irvine, California 92618
14 Telephone: (949) 567-9923
15 Facsimile: (949) 567-9928
16 E-mail: knowicki@gna-law.com

17 Attorneys for Defendants,
18 ELI INC. WHICH WILL
19 DO BUSINESS AS NALAS RESIDENTIAL
20 FACILITY and FLORA M. CROW

21 BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail
22 at Glendale, California, with postage thereon fully prepaid. I am readily familiar with the
23 firms's practice of collection and processing correspondence for mailing. It is deposited
24 with the United States Postal Service each day and that practice was followed in the
25 ordinary course of business for the service herein attested to (C.C.P. §1013(c)(d)).

26 X BY ELECTRONIC SERVICE: by transmitting the document(s) listed above,
27 electronically, via the e-mail addresses set forth above.

28 X STATE: I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct.

 FEDERAL: I declare that I am employed in the office of a member of the bar of this court
whose direction the service was made.

Executed on August 14, 2026 at Glendale, California.



Elsa Nahabedian