

Electronically Received 07/17/2024 11:30 AM

**MATERN LAW GROUP, PC**  
Matthew J. Matern (SBN 159798)  
mmatern@maternlawgroup.com  
Dalia Khalili (SBN 253840)  
dkhalili@maternlawgroup.com  
Debra J. Tauger (SBN 143726)  
dtauger@maternlawgroup.com  
Julia Z. Wells (SBN 314242)  
jwells@maternlawgroup.com  
1230 Rosecrans Ave., Suite 200  
Manhattan Beach, California 90226  
Telephone: (310) 531-1900  
Facsimile: (310) 531-1901

Attorneys for Plaintiff LAURA TOVAR,  
individually, and on behalf of others similarly  
situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – SPRING STREET**

LAURA TOVAR, individually, and on behalf  
of others similarly situated,

Plaintiffs,

vs.

WESTERN UNIVERSITY OF HEALTH  
SCIENCES, a corporation; and DOES 1  
through 50, inclusive,

Defendants.

Case No. 19STCV23464

*Assigned for all purposes to the Honorable  
Kenneth R. Freeman, Dept. SS-14*

**CLASS ACTION**

**~~PROPOSED~~ ORDER GRANTING  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Date: May 21, 2024  
Time: 2:00 p.m.  
Dept.: SS-14

Complaint Filed: July 8, 2019  
Trial Date: Not Set

~~PROPOSED~~ ORDER

On May 21, 2024, Plaintiff Laura Tovar’s (“Plaintiff”) Motion for Preliminary Approval of Class Action Settlement (“Motion”) came on regularly for hearing before the above-captioned Court. The Court, having considered (1) the Amended Class Action and PAGA Settlement Agreement (“Settlement” or “Agreement”), attached as Exhibit 2 to the Declaration of Debra J. Tauger filed on April 22, 2024; (2) the Notice of Class Action Settlement attached as Exhibit 1 to the Declaration of Dalia Khalili filed on May 23, 2024; (3) Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, the memorandum of points and authorities in support thereof, and (4) all declarations and briefing filed in support of the motion, and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The Court GRANTS preliminary approval of the class action and PAGA action settlement as set forth in the Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a final fairness hearing. All terms used herein shall have the same meaning as defined in the Agreement.

2. For purposes of the settlement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following Settlement Class:

“All persons employed by Defendant in California and classified as non-exempt who worked for Defendant at any time during the period starting on July 8, 2015, and ending on June 21, 2022.”

3. For purposes of the Settlement only, the Court designates Plaintiff Laura Tovar the Class Representative, and designates Matern Law Group, PC, including Matthew J. Matern and Julia Z. Wells, as Class Counsel.

4. The Court designates ILYM Group, Inc. as the third-party Settlement Administrator.

5. The Parties are ordered to implement the Settlement according to the terms of the Settlement Agreement.

1           6.       The Court approves, as to form and content, the amended Notice of Class Action  
2 Settlement (“Class Notice”) attached as Exhibit 1 to the Declaration of Dalia Khalili.

3           7.       The Court finds that the form of the Class Notice, the dates selected for mailing  
4 and distribution, and the methods of giving notice to the Settlement Class Members, satisfy the  
5 requirements of due process, constitute the best notice practicable under the circumstances, and  
6 constitute valid, due, and sufficient notice to all members of the Class. The form and method of  
7 giving notice complies with the requirements of Code of Civil Procedure section 382, Civil Code  
8 section 1781, California Rules of Court, rules 3.766 and 3.769, the California and United States  
9 Constitutions, and other applicable law.

10          8.       The Court further approves the procedures for Settlement Class Members to opt-  
11 out of or object to the Settlement, as set forth in the Class Notice and the Agreement. The  
12 procedures and requirements for filing objections in connection with the final fairness hearing are  
13 intended to ensure the efficient administration of justice and the orderly presentation of any  
14 Settlement Class Member’s objection to the Settlement, in accordance with the due process rights  
15 of all Settlement Class Members.

16          9.       The Court directs the Administrator to mail the Class Notice to the members of the  
17 Class in accordance with the terms of the Settlement.

18          10.      The Class Notice shall provide forty-five (45) days’ notice for Settlement Class  
19 Members to submit disputes, opt-out of, or object to the Settlement. Settlement Class Members  
20 whose Class Notices are re-mailed shall have an additional fourteen (14) days to submit disputes,  
21 opt-out of, or object to the Settlement.

22          11.      The hearing on Plaintiff’s Motion for Final Approval of Settlement on the question  
23 of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled  
24 for January 9, 2025 at 11:00 a.m. in Department SS-14 of the Los Angeles Superior Court, located  
25 at 312 North Spring Street, Los Angeles, California 90012.

26          12.      At the Final Fairness hearing, the Court will consider: (a) whether the Settlement  
27 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting  
28 final approval of the Settlement should be entered; and (c) whether Plaintiff’s application for a

1 class representative service payment, settlement administration costs, and Class Counsel's  
2 attorneys' fees and costs, should be granted.

3 13. Counsel for the Parties shall file memoranda, declarations, or other statements and  
4 materials in support of their request for final approval of Plaintiff's application for a service  
5 payment, settlement administration costs, Class Counsel's attorneys' fees and costs, prior to the  
6 hearing on Plaintiff's Motion for Final Approval of Settlement according to the time limits set by  
7 the Code of Civil Procedure and the California Rules of Court.

8 14. The Court orders the following implementation schedule:

Event	Date
Defendant to provide class contact information to the Administrator no later than:	August 14, 2024 (21 days after court grants preliminary approval of settlement)
Administrator to mail the Class Notice to the Settlement Class no later than:	August 28, 2024 (14 days after receipt of class contact information)
Deadline for Settlement Class Members to submit disputes, request exclusion from, or object to the Settlement:	October 14, 2024 (45 days after mailing of class notice- 45th day falls on a Saturday)
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	December 10, 2024
Hearing on Motion for Final Approval of Settlement	January 9, 2025 at 11:00 a.m., Dept. SS-14.

21 15. Pending the Final Fairness hearing, all proceedings in this Action, other than  
22 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this  
23 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court  
24 hereby enjoins Plaintiff and all members of the Settlement Class from filing or prosecuting any  
25 claims, or suits regarding claims released by the Settlement, unless and until such Settlement Class  
26 Members have filed valid Requests for Exclusion with the Settlement Administrator.

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1           16. Counsel for the parties are hereby authorized to utilize all reasonable procedures in  
2 connection with the administration of the Settlement which are not materially inconsistent with  
3 either this Order or the terms of the Settlement.

4           **IT IS SO ORDERED.**

5  
6 DATED: 08/08/2024



A handwritten signature in black ink, appearing to read "K. Freeman", is written over a horizontal line.

JUDGE OF THE SUPERIOR COURT

Kenneth R. Freeman / Judge

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years, and not a party to this action. My business address is 1230 Rosecrans Avenue, Suite 200, Manhattan Beach, California 90266.

On July 17, 2024, I served the following document:

**[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

☒ **By electronic service (via electronic filing service provider)**, I caused the document to be electronically transmitted to Case Anywhere, an electronic filing service provider, at [www.caseanywhere.com](http://www.caseanywhere.com) pursuant to the Court's Electronic Case Management Order governing the matter titled *Laura Tovar v. Western University of Health Sciences*, LASC Case No. 19STCV23464 mandating electronic service. The transmission was reported as complete and without error to the addressees as stated below.

Max S. Sank, Esq. Jennifer K. Palagi, Esq. Viddell Lee Heard, Esq. <b>LIEBERT CASSIDY WHITMORE</b> 6033 West Century Boulevard, 5 <sup>th</sup> Floor Los Angeles, California 90045 Telephone: (310) 981-2000 Facsimile: (310) 337-0837 Email: <a href="mailto:msank@lcwlegal.com">msank@lcwlegal.com</a> <a href="mailto:jpalagi@lcwlegal.com">jpalagi@lcwlegal.com</a> <a href="mailto:lheard@lcwlegal.com">lheard@lcwlegal.com</a>	Attorneys for Defendant WESTERN UNIVERSITY OF HEALTH SCIENCES
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 17, 2024, at Manhattan Beach, California.

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Roxana Barcenas