

**FILED**

San Francisco County Superior Court



JUL 18 2024

CLERK OF THE COURT  
BY: *Chadla Green*  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DEPARTMENT 304

DACHELLE TAYLOR-BENNETT, EBONY  
BATTLE, and CLARENCE NASH, individually  
and on behalf of all others similarly situated,

Plaintiffs,

v.

EPISCOPAL COMMUNITY SERVICES;  
EPISCOPAL COMMUNITY SERVICES OF  
SAN FRANCISCO; and DOES 1 through 20,  
inclusive,

Defendants.

Case No. CGC-22-599268

ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS AND  
REPRESENTATIVE ACTION  
SETTLEMENT

1 WHEREAS, the above-entitled action is pending before this Court as a putative class action (the  
2 “Action”);

3 WHEREAS, Plaintiffs Dachele Taylor-Bennett, Ebony Battle, and Clarence Nash (“Plaintiffs”),  
4 individually and on behalf of all others similarly situated and on behalf of the general public have applied  
5 to this Court for an order preliminarily approving the settlement of the Action in accordance with the  
6 amended CLASS ACTION AND PAGA SETTLEMENT AGREEMENT AND CLASS NOTICE (the  
7 “Settlement” or “Agreement”) entered into by Plaintiffs and Defendant Episcopal Community Services  
8 and Defendant Episcopal Community Services of San Francisco (“Defendants”) which sets forth the  
9 terms and conditions for a proposed settlement upon the terms and conditions set forth therein (Plaintiffs  
10 and Defendant shall be collectively referred to herein as the “Parties”); and

11 WHEREAS, the Court has read and considered Plaintiffs’ Motion for Preliminary Approval of  
12 Class Action Settlement.

13 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

14 1. This Order incorporates by reference the definitions in the Settlement attached as Exhibit 1  
15 to the Supplemental Declaration of Alex J. Valle in Support of Plaintiffs’ Motion for Preliminary  
16 Approval of Class Action Settlement, filed on June 5, 2024, and all terms defined therein shall have the  
17 same meaning in this Order.

18 2. It appears to the Court on a preliminary basis that (a) the Settlement is fair, adequate and  
19 reasonable; (b) the Gross Settlement Amount and Net Settlement Amount are fair, adequate and  
20 reasonable when balanced against the probable outcome of further litigation relating to liability and  
21 damages issues; (c) sufficient investigation and research have been conducted such that counsel for the  
22 Parties at this time are able to reasonably evaluate their respective positions; (d) settlement at this time  
23 will avoid additional costs by all Parties, as well as avoid the delay and risks that would be presented by  
24 the further prosecution of the Action; and (e) the Settlement has been reached as the result of non-  
25 collusive, arms-length negotiations.

26 3. With respect to the Class and for purposes of proceeding pursuant to Code of Civil  
27 Procedure section 382 for approval of the settlement only, the Court finds on a preliminary basis that (a)  
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1 Class Members are ascertainable and so numerous that joinder of all Class Members is impracticable;  
2 (b) there are questions of law and fact common to the Class that predominate over any questions affecting  
3 only individual Class Members; (c) Plaintiffs' claims are typical of the Class' claims; (d) class  
4 certification is a superior method for implementing the Settlement and adjudicating this Action in a fair  
5 and efficient manner; (e) the Class Representatives can fairly and adequately protect the Class' interests;  
6 and (f) Class Counsel are qualified to serve as counsel for the Class.

7 4. Accordingly, solely for purposes of effectuating this Settlement, this Court hereby  
8 conditionally certifies the class for settlement purposes only. The Class is defined as all non-exempt  
9 employees employed by Defendants in California at any time between April 20, 2018 and June 9, 2023.

10 5. Plaintiffs Dachele Taylor-Bennett, Ebony Battle, and Clarence Nash are hereby  
11 preliminarily appointed and designated, for settlement purposes, as the Class Representatives. The Court  
12 preliminarily finds that Plaintiffs will adequately represent the Settlement Class in accordance with Code  
13 of Civil Procedure section 382.

14 6. The attorneys of Aegis Law Firm, PC are hereby preliminarily appointed and designated as  
15 counsel for the Class ("Class Counsel"). The Court preliminarily finds that Class Counsel will fairly and  
16 adequately represent the Settlement Class in accordance with Code of Civil Procedure section 382. Class  
17 Counsel is authorized to act on behalf of the Class Members with respect to all acts or consents required  
18 by, or which may be given pursuant to, the Settlement, and such other acts reasonably necessary to  
19 consummate the Settlement. Any Class Member may enter an appearance either personally or through  
20 counsel of such individual's own choosing and at such individual's own expense. Any Class Member who  
21 does not enter an appearance or appear on his or her own will be represented by Class Counsel.

22 7. Should, for whatever reason, the Settlement not become final, the fact that the Parties were  
23 willing to stipulate to certification of the Class as part of the Settlement shall have no bearing on, nor be  
24 admissible in connection with, the issue of whether a class should be certified in a non-settlement context.

25 8. The Court hereby approves, as to form and content, the Class Notice, to be distributed to  
26 Class Members. The Court finds that distribution of the Class Notice, in the manner and form set forth in  
27 the Settlement and this Order, meets the requirements of due process, is the best notice practicable under  
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1 the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

2 9. The Court hereby confirms ILYM Group, Inc. as Settlement Administrator and hereby  
3 directs the Settlement Administrator to disseminate to Class Members the Class Notice using the  
4 procedures set forth in the Settlement Agreement, including but not limited to:

- 5 a. Sending Class Members the Court approved Notice Packet by first-class mail at their  
6 last known mailing address within 14 days of receiving the Class List from Defendant.  
7 b. Skip tracing and re-mailing all returned, undelivered mail within 3 business days of  
8 receiving notice that a Notice Packet was undeliverable.  
9 c. Send or cause to be sent, via e-mail, the Class Notice to any Class Members whose e-  
10 mail addresses are provided to the Settlement Administrator by Defendants as part of  
11 the Class Data.

12 10. Class Members who wish to participate in the settlement provided for by the Settlement  
13 Agreement do not need to respond to the Class Notice.

14 11. The Court hereby approves the procedures for Class Members to opt out of and object to  
15 the settlement as set forth in the Settlement Agreement.

16 12. Any Class Member may choose to opt-out of and be excluded from the Class as provided  
17 in the Class Notice. Any such person who chooses to opt-out of and be excluded from the Class will not  
18 be entitled to any recovery under the Settlement and will not be bound by the Settlement or have any right  
19 to object, appeal or comment thereon. Class Members who have not requested exclusion/opted-out shall  
20 be Participating Class Members and bound by all determinations of the Court, the Settlement, and the  
21 Final Judgment.

22 13. Any Participating Class Member may object to the Settlement by following the  
23 instructions for submitting written objections that are set forth in the Settlement Agreement and Class  
24 Notice, or may appear at the Final Fairness and Approval Hearing. The Court shall retain final authority  
25 with respect to the consideration and admissibility of any objections. Any Participating Class Member  
26 who objects to the Settlement shall be bound by the order of the Court.

27 14. A Final Fairness and Approval Hearing shall be held before this Court on November 15,  
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2024 at 1:30 p.m. in Department 304 of the Superior Court of California, County of San Francisco, located at 400 McAllister Street, San Francisco, CA 94102. All papers in support of final approval and related awards for fees, costs, and Plaintiffs' incentive awards must be filed and served at least 16 court days before the final approval hearing.

15. The Settlement is not a concession or admission, and shall not be used against the Released Parties, as an admission or indication with respect to any claim of any fault or omission by the Released Parties. Whether or not the Settlement is finally approved, neither the Settlement, nor any document, statement, proceeding or conduct related to the Settlement, nor any reports or accounts thereof, shall in any event be construed as, offered or admitted in evidence as, received as or deemed to be evidence of a presumption, concession, indication or admission by Defendant of any liability, fault, wrongdoing, omission, concession or damage in the Action, or in any other action or proceeding, except for purposes of enforcing the Settlement once it receives final approval.

16. Pending the Final Approval and Fairness Hearing, all proceedings in this Action, other than proceedings necessary to carry out or enforce the terms of the Settlement and this Order, are hereby stayed.

17. Jurisdiction is hereby retained over this Action, the Parties to the Action, and each of the Class Members for all matters relating to this Action, and this Settlement, including (without limitation) all matters relating to the administration, interpretation, effectuation, and/or enforcement of this Settlement and this Order.

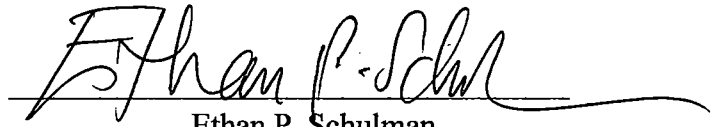
18. The Court reserves the right to adjourn or continue the date of any hearing and all dates provided for in the Settlement. Any Class Members who submit objections to the Settlement shall receive notice if the Final Approval Hearing is continued.

19. The Court retains jurisdiction to consider all further applications arising out of or connected with the this Settlement.

20. Class Counsel shall submit a copy of this order to the Labor and Workforce Development Agency within 10 days after entry of order pursuant to Labor Code § 2699(1)(3).

1 IT IS SO ORDERED.

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3 DATED: July 18, 2024

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5 Ethan P. Schulman  
6 Judge of the Superior Court  
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**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On July 18, 2024, I electronically served ORDER GRANTING PRELIMINARY APPROVAL OF CLASS AND REPRESENTATIVE ACTION SETTLEMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **JUL 18 2024**

Brandon E. Riley, Court Executive Officer

By:   
Felicia Green, Deputy Clerk