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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

FEB 09 2024

DAVID H. YAMASAKI, Clerk of the Court

BY: D. MIRANDA, DEPUTY

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8 TAKEYA RIDEOUT

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF ORANGE**

11 JOANABELLE PIZARRO ORDONA,
12 TAKEYA RIDEOUT, Individually and on
13 Behalf of Other Members of the Public and
14 those Similarly Situated,

15 Plaintiffs,

16 v.

17 FIRST CLASS NURSES, INC., a California
18 Corporation,
19 AMGAD WAHBA,
20 RAMY WAHBA, and
21 DOES 1-10, Inclusive,

22 Defendants.

Case No. 30-2021-01238237-CU-OE-CXC

*ASSIGNED FOR ALL PURPOSES TO:
HONORABLE LON F. HURWITZ
DEPARTMENT: CX-103
ACTION FILED: DECEMEBER 27, 2021
FAC FILED: MARCH 23, 2022
ANSWER FILED: APRIL 26, 2022*

CLASS ACTION/PAGA ACTION

**AMENDED [~~PROPOSED~~] ORDER
GRANTING PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA SETTLEMENT**

Hearing:
Date: January 26, 2024
Time: 1:30 p.m.
Dept.: CX-103

1 On January 26, 2024, this Court conducted a hearing on Plaintiffs' Motion for Preliminary
2 Approval of Class Action Settlement.

3 Having considered the Class Action and PAGA Settlement Agreement ("Settlement" or
4 "Settlement Agreement") and all of the legal authorities, arguments, and documents submitted in support
5 thereof and GOOD CAUSE appearing, IT IS HEREBY ORDERED that the Motion for Preliminary
6 Approval of Class Action Settlement is GRANTED, subject to the following findings and orders:

7 1. The Settlement Agreement is attached as Exhibit 1 to the Supplemental Declaration of
8 Diane E. Richard in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement
9 (ROA #118).

10 2. This Order incorporates by reference the definitions in the Settlement Agreement, and all
11 terms defined therein shall have the same meaning as set forth in the Settlement Agreement.

12 3. The Class is defined as: "All non-exempt employees of First Class Nurses, Inc. ("FCN")
13 who worked for FCN at the Centinela Hospital Medical Center in Inglewood, California at any time during
14 the Class Period of December 27, 2017 to March 1, 2023." The Class is conditionally certified for
15 settlement purposes only.

16 4. The class action Settlement set forth in the Settlement Agreement, entered into among the
17 Parties, is preliminarily approved as it appears to be proper, to fall within the range of reasonableness, to
18 be the product of arm's-length and informed negotiations, to treat all members of the Class ("Class
19 Members") fairly, to be fair, adequate and reasonable, to be in the best interest of absent Class Member,
20 and to be presumptively valid, subject only to any objections that may be raised at the final approval
21 hearing. Additionally, the PAGA Settlement is approved as are the PAGA Penalties to be paid, per the
22 Settlement Agreement, to Aggrieved Employees and to the California Labor & Workforce Development
23 Agency under the California Labor Code Private Attorneys General Act of 2004 ("PAGA").

24 5. Named plaintiffs Joanabelle Pizarro Ordon and Takeya Rideout are suitable class
25 representatives and are appointed Class Representative for the Class.

26 6. Diane E. Richard of Richard Law, P.C. ("Richard Law") has demonstrated to the Court's
27 satisfaction that counsel is experienced in class action litigation and will adequately represent the interests
28 of all Class Members. Accordingly, the Court appoints Diane E. Richard of Richard Law as Class

1 Counsel.

2 7. The Court approves ILYM Group, Inc. as the Administrator.

3 8. The Court approves, as to form and content, the proposed Court Approved Notice of Class
4 Action and PAGA Settlement and Hearing Date for Final Court Approval (“Class Notice”).

5 9. The Court approves:

6 (a) the procedure set forth in Question 12 of the Class Notice as the
7 procedure for any Class Member to request for exclusion from the Class Settlement; and

8 (b) the proposed Request for Exclusion From Class Form (“Request for
9 Exclusion Form”), as to form and content. The Court retains final authority as to validity
10 and authenticity of opt out requests.

11 10. The Court approves:

12 (a) the procedure set forth in Question 17 of the Class Notice as the
13 procedure for any Class Member to make an objection to the Class Settlement; and

14 (b) the proposed Objection Form, as to form and content. Class
15 Members can verbally object at final approval hearing.

16 11. The Court approves the Administrator to establish and maintain and use an internet website
17 to post information of interest to Class Members including the date, time and location for the Final
18 Approval Hearing as set by the preliminary approval order, and copies of the Settlement Agreement,
19 Motion for Preliminary Approval, the Preliminary Approval Order, the Class Notice, Request for
20 Exclusion Form, the Objection Form, the Motion for Final Approval (which includes as part of or as
21 separate motions the Motion for Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment
22 and Class Representative Service Payments), and the Final Approval and Judgment. The Administrator
23 will also maintain and monitor an email address and a toll-free telephone number to receive Class Member
24 calls, faxes and emails.

25 12. The Court approves and directs the Administrator, after performing a Class Member
26 Address Search, to mail, by First-Class U.S. mail, the Class Notice, Request for Exclusion Form, and
27 Objection Form to Class Members, and to re-send any returned Class Notice, Request for Exclusion Form
28 and Objection Form, in accordance with the schedule set forth below. The Court finds that the method

1 selected for communicating the Settlement to Class Members is the best notice practicable under the
2 circumstances, constitutes due and sufficient notice to all persons entitled to notice, and thereby satisfies
3 due process.

4 13. Based on a Preliminary Approval date of January 26, 2024, the Final Approval Hearing is
5 scheduled for July 12, 2024 at 1:30 p.m., in Department CX103, at the Superior Court of California, County
6 of Orange, located at the Civil Complex Center, 751 W. Santa Ana Blvd., Santa Ana, CA, 92701. At the Final
7 Approval hearing, the Court will determine whether the Settlement should be finally approved as fair,
8 reasonable and adequate as to the Participating Class Members.

9 14. After entry of Judgment, the Court retains jurisdiction over the Parties, Settlement Action,
10 and the Settlement solely for purposes of (i) enforcing the Agreement and/or Judgment, (ii) addressing
11 settlement administration matters, and (iii) addressing such post-Judgment matters as are permitted by law.
12 The Court's continuing jurisdiction is pursuant to California Code of Civil Procedure section 664.6 and
13 California Rule of Court, Rule 3.769(h).

14 15. A copy of ILYM Group, Inc.'s invoice must be provided with its declaration regarding
15 administration of the settlement at final approval.

16 16. The following schedule of dates shall govern for the purposes of this Settlement:

<u>Event</u>	<u>Timing</u>
Class Data to be delivered as set forth in the Settlement Agreement.	Not later than 14 Calendar Days after date of Preliminary Approval
Administrator to mail Class Notices to Class Members	Not later than 14 Calendar Days after receipt of Class Data
Administrator to provide Class Counsel and Defense Counsel weekly written reports	Weekly after the Class Notice mailing
Administrator re-mailing (after performing Class Member Address Search) of any Class Notice returned as undeliverable	Not later than 3 business days after the Administrator's receipt of the returned Class Notice
Last day to submit request for exclusion, challenges to the pay periods/workweeks, and objections	Within 60 Calendar Days from the initial mailing of the Class Notice by the Administrator.

<u>Event</u>	<u>Timing</u>
	For Class Members to whom Notice Packets are resent after having been returned undeliverable to the Administrator, within 45 Calendar Days after the Administrator re-mails the Notice Packet (the Administrator will inform the Class Member of the extended deadline with the re-mailed Class Notice).
Administrator declaration attesting to settlement administration process	Not later than 7 Calendar Days before Plaintiffs submit Final Approval to Court
Settlement submitted to Court for Final Approval (including requests for approval of attorney's fee awards and expense reimbursements, costs of administration, and class representative service awards)	Not later than 16 court days before the reserved Final Approval Hearing
Opposition to Final Approval, if any, to be Submitted	Not later than 9 court days before Final Approval Hearing
Reply to any Opposition and/or Response to any Objections	Not later than 5 court days before Final Approval Hearing
Final Approval Hearing	[Proposed] Hearing Date: July 12, 2024
Funding of Gross Settlement Amount and Defendants' share of payroll taxes	Not later than 21 Calendar Days after the Effective Date
Distribution and mailing of Gross Settlement Amount	Within 14 Calendar Days after Defendants fund the Gross Settlement Amount (but no earlier than the Effective Date)
Administrator to re-send Class Member settlement check returned to Administrator as undeliverable after performing a Class Member Address Search	Within 10 days Calendar Days of receiving a returned check
Check void date for non-cashed/negotiated checks	Class Members have 180 days from the check mailing date to negotiate/cash the mailed check. Administrator will cancel all Class Member checks not cashed by the 180-day void date
Final Administrator compliance/accounting declaration/status report due to Class Counsel and Defense Counsel detailing distributions after completion of the distribution process	Within 10 Calendar Days after the Administrator disburses all funds in the Gross Settlement Amount and completes the distribution process
Final compliance and accounting declaration/status report filed with the Court	Per the Court's Procedural Guidelines, report must be filed at least 10 calendar days prior to the compliance hearing.

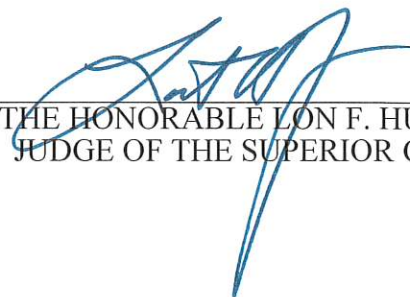
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<u>Event</u>	<u>Timing</u>
Final compliance/accounting hearing	Per the Court's Procedural Guidelines, date is to be set when Final Approval is granted [moving papers for Final Approval will include a suggested range of dates]

IT IS SO ORDERED.

FEB 09 2024

DATED: _____



THE HONORABLE LON F. HURWITZ
JUDGE OF THE SUPERIOR COURT