

FILED
San Diego Superior Court

FEB 03 2023

Clerk of the Superior Court
By: K. Mulligan, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

ROBERTO HERRERA, on behalf of himself
and other current and former employees,

Plaintiff,

vs.

SCRIPPS HEALTH; and DOES 1 through 50

Defendants.

Case No.: 37-2020-00017515-CU-OE-CTL

Judge: Hon. Keri Katz
Department: C-74

**[PROPOSED] JUDGMENT AND ORDER
GRANTING FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Judge: Hon. Keri Katz
Date: February 3, 2023
Time: 8:30 a.m.
Dept.: C-74

1 The Parties to this Litigation reached a proposed settlement, as set forth in their Joint
2 Stipulation of Class Action Settlement and Release ("Settlement Agreement"). Plaintiff subsequently
3 filed a motion for preliminary approval which the Court granted on August 23, 2022.

4 1. The Court determined that this case could be maintained as a class action for settlement
5 purposes only. It thereafter certified the following Class for settlement purposes: all persons who
6 worked for Defendant as a non-exempt, hourly employee in California and utilized paid time off
7 pursuant to Defendant's "Paid Time Off" or "Sick Pay for Employees Not Eligible for PTO" policies
8 at any time between May 26, 2016 and August 23, 2022.

9 2. The Court preliminary approved Class Counsel's request for payment of attorneys'
10 fees and costs, and the Enhancement Payment to Plaintiff. Thereafter, the Notice Package was sent
11 to all Class Members in accordance with the terms of the Settlement Agreement. Class Members
12 were afforded the opportunity to exclude themselves or object, and a hearing was held on February
13 3, 2023 to entertain any such objections.

14 3. ~~[All objections have been heard and having considered them]~~ or [No objection having
15 been received and the Court being fully informed], the Court determines that the proposed Settlement
16 is fair, reasonable, and adequate and GRANTS Plaintiff's motion for final approval and motion for
17 an award of attorneys' fees and costs.

18 4. The Court hereby awards Class Counsel attorneys' fees and Costs as follows: \$500,000
19 for attorneys' fees and \$12,994.90 for costs. The Court also approves an enhancement award to
20 Plaintiff in the amount of \$15,000.00. The Court approves the payment of Claims Administration
21 Costs in the amount of \$94,750. The Court also approves the payment of civil penalties under the
22 Private Attorneys General Act ("PAGA") in the amount of \$150,000.00. Of that amount, \$112,500.00
23 (75%) is to be paid to the California Labor and Workforce Development Agency ("LWDA") and the
24 remaining \$37,500.00 (25%) is to be distributed amongst the Class Members pursuant to the Parties'
25 Settlement Agreement.

26 NOW, THEREFORE, IT IS HEREBY FINALLY ADJUDGED AND ORDERED THAT:

27 1. The Parties' Settlement Agreement is in all respects fair, reasonable, and adequate, and it
28 is hereby approved and incorporated therein.

1 2. The Parties to the Settlement Agreement and Claims Administrator shall implement
2 the Settlement Agreement according to its terms.

3 3. The Court hereby enters final Judgment in this case in accordance with the terms of
4 the Settlement Agreement.

5 4. This document shall constitute a Judgment for purposes of Cal. Rule of Court, Rule
6 3.769(h).

7 5. Without affecting the finality of this Order, the Court shall retain continuing
8 jurisdiction over this action and the parties, including over the interpretation, enforcement, and
9 implementation of the Settlement Agreement and of this Order and Judgment. Except as provided to
10 the contrary herein, any disputes or controversies arising with respect to interpretation, enforcement
11 or implementation of the Settlement Agreement shall be presented by an ex parte application and/or
12 motion to the Court for resolution.

13 **IT IS SO ORDERED.**

14 Dated: FEB 03 2023



Hon. Keri Katz

Judge of the Superior Court of California