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3 **FELAHY EMPLOYMENT LAWYERS**

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6 Attorneys for Plaintiff Theresa Suzanne Lopez,
individually and on behalf of all other Similarly Aggrieved Employees

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF STANISLAUS**

11 **THERESA SUZANNE LOPEZ**, an
individual; individually and on behalf of all
12 others similarly situated,
Plaintiffs;

13 v.
14

15 **CENTRAL VALLEY SPECIALTY**
HOSPITAL, INC., a California corporation;
16 and DOES 1 through 20, inclusive,
Defendant.

CASE NO. CV-20-001778

Consolidated with Case No. CV-21-002861

**PLAINTIFF THERESA SUZANNE
LOPEZ'S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF MOTION TO
APPROVE PAGA SETTLEMENT**

[Concurrently filed with Plaintiff's Motion to
Approve PAGA Settlement; Declaration of Allen
Felahy; and [Proposed] Order]

Hearing

Date: May 2, 2025

Time: 8:30 a.m.

Dept.: 22

1 **TO THE HONORABLE COURT, ALL PARTIES HEREIN, AND TO THEIR**
2 **ATTORNEYS OF RECORD:**

3 Plaintiff Theresa Lopez (“Plaintiff”) hereby requests, pursuant to California Evidence Code
4 §§ 452 and 453, that this Court takes judicial notice of the following documents in support of her
5 Motion to Approve PAGA Settlement:

6 1. Court’s Minute Order Granting Plaintiff’s Motion for Attorneys’ Fees (*Kariavandan*
7 *Raju v. County of Los Angeles*, Los Angeles Superior Court Case No. BC615598), dated January 16,
8 2025, a true and correct copy of which is attached hereto as **Exhibit 1**.

9 2. Order Granting Final Approval of Class Action Settlement (*Tenny v. Dignity Health*,
10 Kern County Superior Court Case No. BCV-18-102316), dated January 6, 2025, a true and correct
11 copy of which is attached hereto as **Exhibit 2**.

12
13
14 Dated: March 24, 2025

Respectfully Submitted,
FELAHY EMPLOYMENT LAWYERS

15
16 By: Allen Felahy
17 Allen Felahy
18 Farbod Nourian
19 Attorneys for Plaintiff Theresa Suzanne
20 Lopez, and on behalf of all other Similarly
21 Aggrieved Employees
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1 **MEMORANDUM RE REQUEST FOR JUDICIAL NOTICE**

2 Pursuant to *Evidence Code Sections 452 and 453* the Court should take judicial notice of the
3 foregoing referenced documents based on the following:

4 *Evidence Code* § 452 provides, in part, as follows:

5 Judicial notice may be taken of the following matters to the extent that they are not embraced
6 within Section 451:

7 (a) The decisional, constitutional, and statutory law of any state of the United States and the
8 resolutions and private acts of the Congress of the United States and of the Legislature of this state...

9 (c) Official acts of the legislative, executive, and judicial departments of the United States
10 and of any state of the United States...

11 (h) Facts and propositions that are not reasonably subject to dispute and are capable of
12 immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

13 *Evidence Code* §453 provides as follows:

14 The trial court shall take judicial notice of any matter specified in Section 452 if a party
15 requests it and:

16 (a) Gives each adverse party sufficient notice of the request, through the pleadings or
17 otherwise, to enable such adverse party to prepare to meet the request; and

18 (b) Furnishes the court with sufficient information to enable it to take judicial notice of the
19 matter.

20
21 Dated: March 24, 2025

Respectfully Submitted,
FELAHY EMPLOYMENT LAWYERS

22
23 By: Allen Felahy
24 Allen Felahy
25 Farbod Nourian
26 Attorneys for Plaintiff Theresa Suzanne
27 Lopez, and on behalf of all other Similarly
28 Aggrieved Employees

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 45

BC615598

KARIAVANDAN RAJU VS COUNTY OF LOS ANGELES ET

AL

January 16, 2025

8:30 AM

Judge: Honorable Virginia Keeny

Judicial Assistant: P. Boyadzhyan

Courtroom Assistant: J. Baltazar

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Allen B. Felahy via LACC; Farbod Nourian via LACC

For Defendant(s): Michele M. Goldsmith via LACC

NATURE OF PROCEEDINGS: Hearing on Motion for Attorney Fees (CRS #2487)

The matter is called for hearing.

The Court has read and considered the moving papers and objections, if any.

The Court's tentative ruling becomes the order of the Court, as follows:

Date of Hearing: January 16, 2025 Trial Date: September 13-25, 2024

Department: 45 Case No.: BC615598

Moving Party: Plaintiff Kariavandan Raju

Responding Party: Defendant County of Los Angeles

BACKGROUND

This case was an employment action alleging whistleblower and Fair Employment and Housing Act (FEHA)-based discrimination claims.

On April 1, 2016, Plaintiff Kariavandan Raju (Plaintiff) initiated the instant action.

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Deputy Sheriff: None

On September 28, 2018, Plaintiff filed a second amended complaint.

On December 13, 2019, Plaintiff filed a third amended complaint (3AC) against Defendants County of Los Angeles (County) and Department of Mental Health (Mental Health) (collectively, Defendants), alleging causes of action for (1) Whistleblower Retaliation, (2) Retaliation for Complaining about Unlawful Discrimination, (3) Failure to Prevent Discrimination, (4) Failure to Take Corrective Action, and (5) Failure to Investigate.

From September 13, 2024 through September 25, 2024, the Court held a jury trial on two causes of action within the 3AC - Retaliation under Labor Code section 1102.5 and Retaliation under FEHA. On October 23, 2024, the Court entered judgment in favor of Plaintiff and against County for damages of \$567,756.50, based on the cause of action for Retaliation under Labor Code section 1102.5.

Plaintiff now moves for attorney fees.

RULING

Plaintiff's motion for attorney fees is GRANTED in the amount of \$1,289,659.75.

LEGAL STANDARD

The attorney bears the burden of proof as to "reasonableness" of any fee claim. (Code Civ. Proc., § 1033.5(c)(5).) This burden requires competent evidence as to the nature and value of the services rendered. (Martino v. Denevi (1986) 182 Cal.App.3d 553, 559.) A plaintiff's verified billing invoices are prima facie evidence that the costs, expenses, and services listed were necessarily incurred. (See Hadley v. Krepel (1985) 167 Cal.App.3d 677, 682.) "Testimony of an attorney as to the number of hours worked on a particular case is sufficient evidence to support an award of attorney fees, even in the absence of detailed time records." (Martino v. Denevi (1986) 182 Cal.App.3d 553, 559.)

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“In challenging attorney fees as excessive because too many hours of work are claimed, it is the burden of the challenging party to point to the specific items challenged, with a sufficient argument and citations to the evidence. General arguments that fees claimed are excessive, duplicative, or unrelated do not suffice.” (Lunada Biomedical v. Nunez (2014) 230 Cal.App.4th 459, 488, quoting Premier Med. Mgmt. Sys., Inc. v. California Ins. Guarantee Assn. (2008) 163 Cal.App.4th 550, 564.)

In determining whether the requested attorney’s fees are “reasonable,” the Court’s “first step involves the lodestar figure—a calculation based on the number of hours reasonably expended multiplied by the lawyer’s hourly rate. The lodestar figure may then be adjusted, based on consideration of facts specific to the case, in order to fix the fee at the fair market value for the legal services provided.” (Gorman v. Tassajara Development Corp. (2008) 162 Cal.App.4th 770, 774 [internal citations omitted].) In determining whether to adjust the lodestar figure, the Court may consider the nature and difficulty of the litigation, the amount of money involved, the skill required and employed to handle the case, the attention given, the success or failure, and other circumstances in the case. (EnPalm LLC v. Teitler (2008) 162 Cal.App.4th 770, 774; PLCM Group, Inc. v. Drexler (2000) 22 Cal.4th 1084, 1095.) ““The reasonable market value of the attorney’s services is the measure of a reasonable hourly rate. [Citations.] This standard applies regardless of whether the attorneys claiming fees charge nothing for their services, charge at below-market or discounted rates, represent the client on a straight contingent fee basis, or are in-house counsel. [Citations.]” (Center For Biological Diversity v. County of San Bernardino (2010) 188 Cal.App.4th 603, 619.)

JUDICIAL NOTICE

Plaintiff is requesting the Court to take judicial notice of the following pursuant to Evidence Code sections 452 and 453:

1. The Department of Justice/USAO Attorney’s Fees [Laffey] Matrix (2015-2021).
2. Winston v. County of Los Angeles, 2024 WL 5114891, *1-6 (December 13, 2024), (Court of

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CSR: None
ERM: None
Deputy Sheriff: None

Appeal, Second District, Division 8 – Case No. B323392)

3. Special Verdict Form (Signed by the Presiding Juror on September 25, 2024) for Raju v. County of Los Angeles, LASC Case No. BC615598.

4. Judgment entered for Raju v. County of Los Angeles, LASC Case No. BC615598

5. Trial Court's August 9, 2019, Ruling on Motions in Limine (Raju v. County of Los Angeles – LASC Case No. BC615598).

The Court grants Plaintiff's request in its entirety.

County is requesting the Court to take judicial notice of the following pursuant to Evidence Code sections 450, 452(d),(h) and 453:

1. Joint Stipulation and Order to Continue Trial and All Trial Related Dates filed on May 17, 2021.

2. Substitution of Attorney filed on September 8, 2021.

3. Final Status Conference Minute Order dated May 10, 2022.

4. Court's Order denying Plaintiff's Ex Parte Application for an Order to Continue the September 22, 2022, trial date dated August 10, 2022.

5. Plaintiff's Request for Dismissal dismissing ONLY the following claims: failure to prevent race/national origin discrimination; failure to promote; and failure to take corrective action on the basis of race/national origin, dated August 11, 2022.

6. Minute Order granting Defendant, County of Los Angeles' Stipulated Ex Parte Application for an Order Continuing the Final Status Conference date from 10/27/2022 to 3/1/2023 and Trial date from 11/7/2022 to 3/6/2023, dated October 14, 2022.

7. Minute Order re: Jury Trial dated March 6, 2023.

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CSR: None
ERM: None
Deputy Sheriff: None

8. Minute Order dated June 5, 2023.

9. Minute Order re: Final Status Conference / ExParte Application to Continue Trial dated January 22, 2024.

10. Order to Continue Trial dated August 1, 2024.

11. Defendant, County of Los Angeles' Trial Brief dated August 23, 2024.

12. Order on Motions in Limine heard on August 8, 2019 dated August 9, 2019.

13. Defendant's Motion for Non-Suit dated September 16, 2024.

14. Plaintiff's Opposition to Defendant's Motion for Non-Suit dated September 18, 2024.

15. Plaintiff's Objections to Defendant's Amended (Proposed) Special Jury Instructions.

16. Court's Order granting Defendant's Motion for Summary Adjudication as to Issue Nos. 1-5, 10-13, and 15-18, and denying Issue Nos. 6-9, 14, 19, 20 and 21 dated March 28, 2018.

The Court grants County's request in its entirety.

EVIDENTIARY OBJECTION

Plaintiff objects to the Declaration of Grant Stiefel in support of Defendant's Opposition to Plaintiff's Motion for Attorneys' Fees on the basis that it violates a prior court order precluding Defendant from introducing any expert testimony whatsoever. Plaintiff contends that this Court granted Plaintiff's Motion in Limine Number 1 and expressly precluded Defendant from introducing any expert testimony.

However, the Court's order in granting the motion in limine did not specify whether the motion only applied to expert testimony produced at trial. The Court finds that the Court's order granting the motion in limine to preclude County from introducing expert testimony did not extend to

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CSR: None
ERM: None
Deputy Sheriff: None

post-trial motions.

Thus, Plaintiff's objection is overruled.

ANALYSIS

Plaintiff is seeking attorney fees in the amount of \$2,636,878.50 as the prevailing party against County. Plaintiff is seeking attorney fees pursuant to California Labor Code Section 1102.5 subdivision (j).

1. Entitlement to Fees

Labor Code section 1102.5 subdivision (j) authorizes the Court to award reasonable attorney's fees to a plaintiff who brings a successful action for a violation of 1102.5. While this subsection was added to the Code on January 1, 2021, the latest version of the subsection became effective on January 1, 2024. The Courts of Appeal have held "that in the absence of express legislative intent to the contrary, 'a new statute authorizing an award of attorney fees' or a statute 'increasing or decreasing litigation costs, including attorneys' fees' applies to actions pending at the time of enactment." (USS-Posco Indus. v. Case (2016) 197 Cal.Rptr.3d 791, 810.)

Because the subsection(j), which authorizes an award of attorney fees for violation of provisions within Labor Code section 1102.5, was added to the Code while the instant action "was not yet final at the time [the subsection became] effective," Plaintiff is entitled to an award of attorney fees. (California Hous. Fin. Agency v. E.R. Fairway

Assocs. I (1995) 37 Cal.App.4th 1508, 1513; see also Hogan v. Ingold (1952) 38 Cal.2d 802, 814 ("[S]tatutes either increasing or decreasing the allowable costs, including attorney fees, are consistently applied to litigation pending when such statutes became effective, unless a contrary intent clearly appears from the statute.")).

2. Reasonableness of Fees

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“If a plaintiff has prevailed on some claims but not others, fees are not awarded for time spent litigating claims unrelated to the successful claims, and the trial court should award only that amount of fees that is reasonable in relation to the results obtained. (Citation).” (Chavez v. City of Los Angeles (2010) 47 Cal.4th 970, 989.) Although fees are not reduced when a plaintiff prevails on only one of several factually related and closely intertwined claims (citation), under state law as well as federal law, a reduced fee award is appropriate when a claimant achieves only limited success. (Citation).” (Ibid.) Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee. Normally this will encompass all hours reasonably expended on the litigation.... In these circumstances the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit. [Citation.]” (Hensley v. Eckerhart (1983) 461 U.S. 424, 440.)

In Wysinger, the prevailing party alleged eight causes of action, but prevailed on two causes of action, including a retaliation-based cause of action. (Wysinger v. Auto. Club of S. California (2007) 157 Cal.App.4th 413, 430.) The Wysinger Court affirmed the trial court’s award to the prevailing party, even though the losing party contended that award should have been reduced because the prevailing party succeeded on some but not all causes of action. (Ibid.)

The Court finds that like in Wysinger, the cause of action on which Plaintiff did not prevail is “common to another and intertwined” with the cause of action on which Plaintiff did prevail. Both causes of action were pled in the 3AC based on the same facts, and involved the same allegations premised upon the retaliation plaintiff experienced for being a whistleblower and opposing unlawful employment practices, including disparate treatment due to his race. “[E]mployment discrimination cases, by their very nature, involve several causes of action arising from the same set of facts.” (Brown v. Superior Court (1984) 37 Cal.3d 477, 486.) Thus, Plaintiff’s fee award should not be reduced on the basis that Plaintiff’s FEHA claim is completely distinguishable from the section 1102.5 claim on which he prevailed.

Plaintiff is requesting attorney fees in the amount of \$2,636,878.50.

Plaintiff argues that over the last six-and-a-half years of litigation, since Counsel for Plaintiff

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Deputy Sheriff: None

was retained, the instant case has been heavily and judiciously litigated by Plaintiff. Plaintiff's counsel states that the following litigation events have transpired: Plaintiff propounded nine (9) sets of written discovery on Defendant, totaling 110 written requests; Defendant propounded eleven (11) sets of written discovery on Plaintiff, totaling 180 written requests; thousands of pages of documents were exchanged, reviewed, and analyzed; between the parties, sixty-one (61) motions/ex parte applications, oppositions/objections, and/or replies were drafted and filed, and the parties attended the associated hearings; between the parties, numerous pretrial documents (witness lists, jury instructions, exhibit lists, trial briefs, etc.) were drafted and filed with the court (the number of such documents approximates (71) seventy-one); the parties drafted motions in limine and in connection with said motions, sixty-nine (69) motions, oppositions, and/or replies were drafted and filed by the parties; and the parties attended a mediation and an MSC. Then, after all of the foregoing, Plaintiff and his counsel were engaged in five weeks of jury trial, where testimony/evidence was submitted, a motion for nonsuit was opposed; and after careful deliberation, the jury ultimately rendered a verdict in favor of Plaintiff on his Labor Code section 1102.5 retaliation claim. (Felahy Decl., ¶ 12.)

Counsel for Plaintiff seeks the following:

Name Rate/hr Hours Total

Allen Felahy (Partner) \$750.00 1749.1 \$1,311,825.00

Joseph Sniezek (Sr. Attorney) \$595.00 737.3 \$438,693.50

Farbod Nourian (Sr. Attorney) \$475.00 1552.8 \$737,580.00

Timothy Ghobrial (Attorney) \$325.00 95.2 \$30,940.00

Grace Holbrook (Attorney) \$325.00 46.9 \$15,242.50

Katherine Salazar (paralegal) \$225.00 298.6 \$67,185.00

Christina Martinez (paralegal) \$225.00 63.9 \$14,377.50

Cindy Loza (legal secretary) \$175.00 36.2 \$6,335.00

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

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CSR: None
ERM: None
Deputy Sheriff: None

Nicolette Behnam (legal secretary) \$175.00 20.5 \$3,587.50

Emily Alonzo (legal secretary) \$175.00 63.5 \$11,112.50

\$2,636,878.50

As stated similarly above, the party seeking attorney fees and costs “bear[s] the burden of establishing entitlement to an award and documenting the appropriate hours expended and hourly rates” to show that the fees incurred were allowable and reasonably necessary to the conduct of the litigation. (Christian Research Institute v. Alnor (2008) 165 Cal.App.4th 1315, 1320-22.) To satisfy this burden, evidence and

descriptions of billable tasks must be presented in sufficient detail, enabling the court to evaluate whether the case was overstaffed, the time attorneys spent on specific claims, and the reasonableness of the hours expended. (Lunada Biomedical v. Nunez (2014) 230 Cal.App.4th 459, 486-487.)

A party seeking attorney fees is “not automatically entitled to all hours they claim in their request for fees. They must prove the hours they sought were reasonable and necessary.” (El Escorial Owners' Assn. v. DLC Plastering, Inc. (2007) 154 Cal.App.4th 1337, 1366.) “A fee request that appears unreasonably inflated is a special circumstance permitting the trial court to reduce the award or deny one altogether. (Citation).” (Christian Research Institute, supra, 165 Cal.App.4th at p. 1321-22.)

The Court is cognizant of the amount of time Plaintiff’s counsel expended on litigating the instant action, which spanned multiple years, that came to a fortunate conclusion for Plaintiff in the form of a judgment for \$567,756.50. However, the Court finds that the amount of attorney fees requested by Plaintiff’s counsel to still be excessive.

Firstly, Plaintiff’s counsel has only provided the Court with a summary sheet of work that each employee completed during the course of litigation. (Felahy Decl., Exhibit 4.) The work

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Deputy Sheriff: None

performed is separated into distinct categories “A” through “I,” with descriptors attached to each category (ie, “Amendments to Pleadings; Motions to Amend; Admin. Filings/Gov’t Claim(s); Oppositions/Briefing, Research & Hearings Related to Challenges to Pleadings,” “Depositions and Related Deposition Prep,” or “Jury Selection.” (Ibid.) While an award of attorney fees may be based on counsel’s declarations, without production of detailed time records, Plaintiff still has the burden of providing the Court with an explanation as why the hours sought are reasonable and necessary. (Raining Data Corp. v. Barrenechea (2009) 175 Cal App.4th 1363, 1375.)

For Category D, which reflects “Pre-Trial Work including Preparation of Pre-Trial Documents, Trial Exhibits, Meetings with Clients and Witnesses, preparation of deposition summaries and testimony outlines, work on pre-trial motions/ex partes,” Plaintiff’s counsel seeks 1766.6 hours. County has provided the declaration of Attorney Fees Expert Grant Stiefel. Stiefel opines that ““most of the depositions in this case were very short” with “the average deposition time [being] less than two hours,” which should not have taken more than “2-3 hours to summarize.” (Stiefel Decl., ¶¶ 72-76.) Additionally, because most depositions were attended by two of Plaintiff’s lawyers, “the time taken to summarize [transcripts of those depositions] is duplicative and not reasonable.” (Superior Form Builders v. Dan Chase Taxidermy Supply, 881 F.Supp. 1021, 1026 (E.D. Va. 1994). Expert Steifel states he “cannot conceive how Plaintiff’s counsel could have reasonably spent nearly a year of full-time billable work on the limited tasks enumerated in Category D, which should have taken a few hundred hours at most.” (Stiefel Decl., ¶ 77.) For these reasons, the Court will reduce the request reflected in Category D by 75%. (Stiefel Decl., Exhibit G.)

For Category A(2), which reflects “Depositions and Related Depo Prep,” Plaintiff’s counsel seeks 547 hours. However, most of the depositions in this case were very brief: aside from Plaintiff Raju’s deposition, which spanned five sessions. The average time of each deposition appearance was just one hour and fifty-two minutes (1:52). (Stiefel Decl., ¶ 80 [Exhibit E (Summary of Deposition Length).]) The total time Counsel spent in actual deposition was just under 40 hours, meaning that 507 hours were purportedly billed for deposition preparation. This means that for every hour on the record, the Felahy firm billed for twelve hours of prep time. This is unreasonable. (Stiefel Decl., ¶¶ 80-82.) The Court finds that the ratio of 12:1 for preparation for deposition to be excessive. For these reasons, the Court will reduce the request reflected in Category A(2) by 75%. (Stiefel Decl., Exhibit G.)

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CSR: None
ERM: None
Deputy Sheriff: None

For Category A(3), which reflects “Review of documents & evidence produced by Defendant(s) and analysis & investigation,” Plaintiff’s counsel seeks 702.6 hours. However, Plaintiff produced around 855 pages of documents, while County produced 2,536 pages. For the number of hours Plaintiff has requested, this equates to about thirteen (13) minutes of review time for each page produced. Courts have held that six minutes to review a single document is unreasonable and that “approximately two and a half minutes... is a more reasonable estimation of the time it would take an attorney to review a one-page, routine document.” (Fryar v. Saul, No. 7:19-CV-198-RJ, at *8 (E.D.N.C. Feb. 26, 2021).) For these reasons, the Court will reduce the request reflected in Category A(3) by 75%. (Stiefel Decl., Exhibit G.)

For Categories E and F, County contends that Attorney Farbod Nourian’s hourly rate should be reduced to \$225.00 an hour because Mr. Nourian’s role at trial was more akin to paralegal work, as he purportedly “did not participate in voir dire, did not address the jury, and did not question any witnesses.” The Court does not agree with this reduction.

For Categories A(1), A(3), A(4), B(2), C, F and I, County contends, based on Expert Stiefel’s recommendation, that a 40% discount is warranted for “vagueness and block billing,” as to internal conferencing and communications among counsel. Expert Stiefel states that “it not possible to determine how much time was attributed to internal attorney conferencing, because any billing entries that might reflect such intra-office communications has been subsumed within Plaintiff’s vague, block-billed summary of work.” (Stiefel Decl., ¶ 91.) Because Plaintiff has not provided the court with billing records, the Court cannot discern how much of the time billed was duplicative or unnecessary. Additionally, Expert Stiefel states that in his experience, ten people billing time to this matter is excessive. (Id. ¶ 93.) For these reasons, the Court will reduce these entries by 40%. (Stiefel Decl., Exhibit G.)

Plaintiff also seeks 120.2 hours of work for three legal secretaries. County also contends that all work done by legal secretaries in this matter to be eliminated as Plaintiff “is not entitled to be compensated for administrative work.” (See Davis v. City and County of

San Francisco (9th Cir. 1992) 976 F.2d 1536, 1543 “[“time spent on clerical matters should not have been included in the attorneys’ fee award”]; Missouri v. Jenkins, 491 U.S. 274, 288 n.10 (1989) [“purely clerical or secretarial tasks should not be billed at a paralegal rate, regardless of who performs them”].) Because of the lack of information provided by Plaintiff, the Court

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CSR: None
ERM: None
Deputy Sheriff: None

cannot distinguish what work done by the legal secretaries was purely for clerical purposes. The Court denies compensation for unspecified work done by the legal secretaries.

Therefore, the Court will award as follows:

Name Rate/hr Hours Total

Allen Felahy (Partner) \$750.00 855.9 \$641,925.00

Joseph Sniezek (Sr. Attorney) \$595.00 348.3 \$207,238.50

Farbod Nourian (Sr. Attorney) \$475.00 780.45 \$370,713.75

Timothy Ghobrial (Attorney) \$325.00 25.9 \$8,417.50

Grace Holbrook (Attorney) \$325.00 20.9 \$6,792.50

Katherine Salazar (paralegal) \$225.00 166.8 \$37,530.00

Christina Martinez (paralegal) \$225.00 29 \$6,525.00

Cindy Loza (legal secretary) \$175.00 18.1 \$3,167.50

Nicolette Behnam (legal secretary) \$175.00 10.25 \$1793.75

Emily Alonzo (legal secretary) \$175.00 31.75 \$5556.25

\$1,289,659.75

CONCLUSION

Based on the foregoing reasons, Plaintiff's motion for attorney fees is GRANTED in the amount

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 45

BC615598

KARIAVANDAN RAJU VS COUNTY OF LOS ANGELES ET

AL

January 16, 2025

8:30 AM

Judge: Honorable Virginia Keeny
Judicial Assistant: P. Boyadzhyan
Courtroom Assistant: J. Baltazar

CSR: None
ERM: None
Deputy Sheriff: None

of \$1,289,659.75.

The Motion for Attorney Fees filed by Kariavandan Raju on 11/15/2024 is Granted.

Parties represent that an agreement has been reached on the amount of attorney fees and costs.

Parties are to submit a stipulation outlining the agreement amounts and a proposed amended judgment for the Court to review and sign.

In light of the agreement between the parties:

Pursuant to oral stipulation, the Hearing on Motion to Tax Costs (CRS #0716) scheduled for 01/27/2025 is advanced to this date and vacated.

Order to Show Cause Re: submission of satisfaction of judgment by plaintiff is scheduled for 04/16/25 at 08:30 AM in Department 45 at Stanley Mosk Courthouse.

Notice is waived.

EXHIBIT 2

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Attorneys for Plaintiff Tammy Tenny,
 individually and on behalf of others similarly situated

FILED
 SUPERIOR COURT OF CA, COUNTY OF KERN
JAN 6 2025
 BY _____ DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

TAMMY TENNY, an individual,

 Plaintiff,

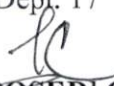
v.

DIGNITY HEALTH, a California
 corporation; and **DOES 1 – 50**, inclusive,

 Defendants.

Case No. BCV-18-102316

Assigned for all purposes to Hon. Thomas S.
 Clark, Dept. 17


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

Hearing

Date: January 6, 2025
 Time: 8:30 a.m.
 Dept.: 17

Complaint Filed: September 17, 2018

1 Plaintiff Tammy Tenny's ("Plaintiff" or "Plaintiff Tenny") Motion for Final Approval of Class-
2 Action Settlement and Motion for Award of Attorneys' Fees, Reimbursement of Costs and Enhancement
3 Award came on for hearing before this Court, the Honorable Thomas S. Clark, on January 6, 2025. No
4 person appeared to object at the hearing. The Court, having considered the papers submitted in support of
5 the motions and the file in this case and having heard oral argument of the Parties, HEREBY ORDERS
6 THE FOLLOWING:

7 1. The "Class, Collective and PAGA Representative Action Settlement Agreement" shall
8 hereinafter referred to as the "Settlement Agreement" or "Agreement". The Settlement Agreement is
9 attached as **Exhibit 1** to the declaration of Allen Felahy filed concurrently with the Motion for Final
10 Approval.

11 2. This Court has jurisdiction over the subject matter of this Action and over all Parties to this
12 Action, including all members of the Settlement Class.

13 3. The Court previously approved the Class Notice as to form and content. The Court finds
14 that the Class Notice fairly and adequately apprised Settlement Class Members of their rights under the
15 Settlement. The Court determines that the Parties substantially complied with the distribution of the Class
16 Notice to the Settlement Class in the manner and form set forth in the Preliminary Approval Order, and
17 that the Class Notice provided to the Settlement Class was the best notice practicable under the
18 circumstances and constituted due and sufficient notice to all persons entitled to such notice. Notice to the
19 Settlement Class was adequate.

20 4. No Settlement Class Members objected to the settlement.

21 5. Nine (9) Class Members timely and validly requested exclusion from the settlement. Each
22 of those individuals shall be named in the Judgment as having opted out of the settlement, shall receive no
23 funds under the settlement or this order, and are not bound by the settlement, this order, or the Judgment.

24 6. The Court hereby finally certifies the Settlement Class, pursuant to the terms and conditions
25 of the Settlement Agreement and solely for the purposes set forth therein, which is defined as follows:

26 The settlement "Class" shall consist of all nonexempt employees employed by Defendant Dignity
27 Health ("Defendant") as Registered Nurses ("RNs") at Bakersfield Memorial Hospital ("BMH")
28 at any time since from September 17, 2014 through August 20, 2024. ("Class Period"). Each person
in the class is a "Class Member," and all such persons are referred to as the "Class."

1 7. For settlement purposes only, the Court finds that Plaintiff Tenny is an adequate
2 representative of the Settlement Class and appoints her as such.

3 8. For settlement purposes only, the Court finds that Allen Felahy of Felahy Employment
4 Lawyers and Nick Pritchett of Williams, Brodersen, Pritchett & Ruiz have adequately represented the
5 Class and are appointed as Class Counsel solely for the purposes set forth in the Settlement.

6 9. For settlement purposes only, the proposed Settlement Class meets the requirements for
7 certification. Specifically, for settlement purposes: (1) the proposed Settlement Class is numerous and
8 ascertainable; (2) there are predominant common questions of law or fact; (3) Plaintiff Tenny's claims are
9 typical of the claims of the members of the proposed Settlement Class; (4) Plaintiff Tenny has fairly and
10 adequately protected the interests of the Settlement Class Members; (5) Class Counsel is qualified to serve
11 as counsel for Plaintiff Tenny and the Settlement Class; and (6) a class action is superior to other methods
12 to efficiently adjudicate this controversy through settlement.

13 10. The Court grants final approval of the settlement. The terms of the Settlement are fair,
14 reasonable, and adequate. Plaintiff Tenny has satisfied the requirements for final approval of the class
15 action settlement.

16 11. Each member of the Settlement Class who did not timely and validly request exclusion is
17 subject to the following release, as set forth in the Settlement:

18 "Plaintiff and all Participating Class Members, on behalf of themselves and their respective former
19 and present representatives, agents, attorneys, heirs, administrators, successors, and assigns, shall
20 fully and finally release the Released Parties of the "Released Class Claims." The Released Class
21 Claims include all claims asserted in the Action, as amended, and/or arising from or related to the
22 facts and claims alleged in the Action, as amended, or that could have been raised in the Action,
23 as amended, based on the facts and claims alleged. The Released Class Claims include all claims
24 for unpaid wages, including, failure to pay minimum wages, straight time compensation, overtime
25 compensation, double-time compensation, and interest; the calculation of the regular rate of pay;
26 wages related to alleged illegal time rounding; missed/short/late/interrupted meal period, rest
27 period, and/or recovery period wages/premiums; failure to provide meal periods; failure to
28 authorize and permit rest periods and/or recovery periods; the calculation of meal period, rest
period, and/or recovery period premiums; payment for all hours worked, including off-the-clock
work; wage statements; deductions; failure to keep/maintain accurate records including payroll
records; unfair business practices related to the Released Class Released Claims; penalties,
including, but not limited to, recordkeeping penalties, wage statement penalties, minimum-wage
penalties, and waiting-time penalties; and attorneys' fees and costs; all claims related to the
Released Class Claims arising under: the California Labor Code (including, but not limited to,
sections 200, 201, 201.1, 201.3, 201.5, 202,203,204,205.5, 206,210,216,218,218.5, 218.6, 221,
223, 224, 225, 225.5, 226, 226.3, 226.7, 226.8, 256,510, 511, 512, 515, 516, 550, 551, 552, 554,

558, 1174, 1174.5, 1182.12, 1194, 1194.2, 1194.3, 1197, 1197.1, 1197.2, 1198, 2698 et seq., 2699 et seq., and 2802-2802.1); the Wage Orders of the California Industrial Welfare Commission; the California Private Attorneys General Act of 2004 ("PAGA"); California Business and Professions Code section 17200, et seq.; the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq.; and federal common law. This release excludes the release of claims not permitted by law.

Participating Class Members who timely cash or otherwise negotiate their Settlement Payment Check will be deemed to have opted into the Action for purposes of the FLSA and, as to those Class Members, the Released Class Claims include any and all claims the Class Members may have under the FLSA asserted in the Action, arising from or related to the facts and claims alleged in the Action, or that could have been alleged in the Action based on the facts and claims alleged in the Action, as amended, during the Class Period. Only those Class Members who timely cash or otherwise negotiate their Settlement Payment Check will be deemed to have opted into the Action for purposes of the FLSA and thereby release and waive any of their claims under the FLSA arising under or relating to the alleged claims.

The following language will be printed on the reverse of each Settlement Payment Check, or words to this effect: "By endorsing or otherwise negotiating this check, I acknowledge that I read, understood, and agree to the terms set forth in the Notice of Class Action Settlement and I consent to join in the Fair Labor Standards Act ("FLSA") portion of the [Action], elect to participate in the settlement of the FLSA claims, and agree to release all of my FLSA claims that are covered by the Settlement."

Upon entry of Judgment, Class Members are precluded from filing a wage and hour action under the Fair Labor Standards Act against the Released Parties for claims and/or causes of action encompassed by the Released Class Claims which are extinguished and precluded pursuant to the holding in *Rangel v. PLS Check Cashers of California, Inc.*, 899 F.3d 1106 (2018)."

12. Payment to Class Counsel in the full amounts requested, \$2,300,000 for attorneys' fees and \$450,000 for litigation costs, are approved. The Court finds that these awards are fair and reasonable in all the circumstances. With respect to the fee award, the Court has given particular consideration to the fee request as a percentage of the common fund, Class Counsel's claimed lodestar, the work performed in this case as reflected by Class Counsel's billing records and the file in this action, the extent to which this litigation was successful, the duration of this litigation, the difficulty of the issues presented by this litigation, and the contingency risk undertaken by Class Counsel in prosecuting this action on behalf of a class. The Court is persuaded that any reasonable permutation of the lodestar-multiplier analysis would render a result that supports the requested fee. Even reducing the lodestar to the greatest extent that is reasonable by reducing the blended hourly rate, reducing the number of hours reasonably worked, and/or applying a downward multiplier, would not justify a reduction in the fee award here to an amount below the fee request. In so finding, the Court is mindful that there are also reasons that the lodestar should be adjusted upward – the contingency risk, the inability to take on other employment, and the duration of this

1 litigation. The Court also finds that the request is within the reasonable range as a percentage of the
2 common fund.

3 13. The Court approves a class representative enhancement award of \$10,000, the full amount
4 requested, to Plaintiff Tenny. The Court finds the award fair and reasonable in all the circumstances.

5 14. The Court approves a payment of \$50,000 in PAGA civil penalties, allocated \$37,500
6 (75%) to the California's Labor and Workforce Development Agency ("LWDA"), and \$12,500 (25%) to
7 the Aggrieved Employees, to pay all applicable penalties under California Labor Code's Private Attorneys
8 General Act of 2004 ("PAGA"), California Labor Code sections 2699, 2699.3, and 2699.5.

9 15. The Court hereby approves a payment of \$22,000 to CPT GROUP, INC. ("CPT") for
10 services as claims administrator.

11 16. After deduction of all of the above approved costs, fees and payments from the
12 \$5,750,000.00 total gross settlement amount, the amount of \$2,918,000.00 will be payable to all
13 participating Settlement Class Members if all participating Settlement Class Members are paid the amount
14 to which they are entitled pursuant to the Judgment. To be clear, in addition to the \$2,918,000.00,
15 \$12,500.00 in PAGA penalties will be payable to the Aggrieved Employees on a pro rata basis as set forth
16 in the Settlement Agreement.

17 17. The Court directs the Parties to effectuate the Settlement according to the terms of the
18 Settlement Agreement, including payment to Settlement Class Members in accordance with the terms of
19 the Settlement Agreement, and this Order.

20 18. For any Class Member whose Individual Class Payment check or Individual PAGA
21 Payment check is uncashed and cancelled after the void date, CPT shall transmit the funds represented by
22 such checks to the California Controller's Unclaimed Property Fund in the name of the Class Member
23 thereby leaving no "unpaid residue" subject to the requirements of California Code of Civil Procedure
24 Section 384, subd. (b). Class Counsel shall file a report by December 14, 2025, summarizing all
25 distributions made to the class members, supported by a declaration. (Code Civ. Proc., § 384, subd. (b).)
26 The report shall be in the form of a declaration from CPT or other declarant with personal knowledge of
27 the facts, and shall describe: (i) the date the checks were mailed; (ii) the total number of checks mailed to
28 class members; (iii) the average amount of those checks; (iv) the number of checks that remain uncashed;

1 (v) the total value of those uncashed checks; and (vi) the average amount of the uncashed checks. A hearing
2 regarding the status of the settlement distribution is set for January 9, 2026, at 8:30 a.m.

3 19. The Parties shall bear all their own costs and attorneys' fees, except as otherwise set forth
4 in the Settlement Agreement, this order, or the Judgment.

5 20. Pursuant to California Rule of Court, Rule 3.769(h), and without affecting the finality of
6 the Judgment, the Court shall retain jurisdiction over the Parties to enforce the terms of the Judgment.
7 Pursuant to Code of Civil Procedure section 664.6 and Rule 3.769(h) of the California Rules of Court and
8 without affecting the finality of the Judgment, the Court reserves exclusive and continuing jurisdiction
9 over this Action and all Parties for the purposes of supervising:

10 (a) The implementation, enforcement, construction, and interpretation of the Settlement, the
11 Order Granting Preliminary Approval of Class Action Settlement, the plan of allocation, the
12 Order Granting Final Approval of Class Action Settlement, and the Judgment;

13 (b) Distribution of amounts paid under the Settlement; and

14 (c) Final declaration regarding total amount actually paid to the class members.

15 21. The Parties will comply with Cal. Rules of Court Rule 3.771(b), by providing notice of
16 entry of judgment with the posting of the Order Granting Final Approval and Judgment on Administrator
17 CPT Group, Inc.'s website.

22. A compliance is set for 7-16-26, 8³⁰ am in Dept. 17.

18 **IT IS SO ORDERED.**

19
20 Dated: 1-6-25



HON. THOMAS S. CLARK
JUDGE OF THE SUPERIOR COURT

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Attorneys for Plaintiff Tammy Tenny,
 individually and on behalf of others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

TAMMY TENNY, an individual,

Plaintiff,

v.

DIGNITY HEALTH, a California
 corporation; and **DOES 1 – 50**, inclusive,

Defendants.

Case No. BCV-18-102316

Assigned for all purposes to Hon. Thomas S.
 Clark, Dept. 17


[PROPOSED] ORDER

Hearing:

Date: January 6, 2025

Time: 8:30 a.m.

Dept.: 17


[PROPOSED] ORDER

FILED
 SUPERIOR COURT OF CA, COUNTY OF KERN

JAN - 6 2025

BY _____ DEPUTY

ENDORSED

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

2 Plaintiff Tammy Tenny's ("Plaintiff") Motion for Award of Attorneys' Fees, Reimbursement
3 of Costs and Enhancement Award came before this Court on January 6, 2025. All parties received
4 notice and an opportunity to be heard.

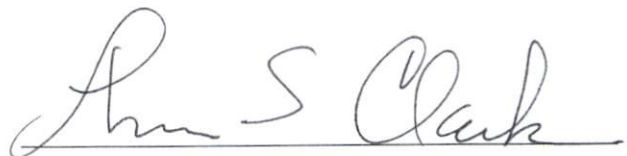
5
6 After full consideration of the evidence, authorities, and arguments submitted, and good cause
7 appearing therefore, IT IS HEREBY ORDERED:

- 8 1. Plaintiff's Motion for Award of Attorneys' Fees, Reimbursement of Costs and
9 Enhancement Award is GRANTED.

10 2. The Court Order as follows:

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17 **IT IS SO ORDERED.**

18
19 Dated: 1-6-25

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22 Thomas S. Clark
23 Judge of the Superior Court