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Attorneys for Plaintiffs
MARGARET RIVERA, KAY MANALIGOD,
And CHRISTINE ATENCIO

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

MARGARET RIVERA, KAY MANALIGOD,
and CHRISTINE ATENCIO, on behalf of
themselves and all others similarly situated,
all aggrieved employees, and the State of
California,

Plaintiffs,

vs.

HOME CARE ASSISTANCE, INC., HOME
CARE ASSISTANCE OF CALIFORNIA,
LLC, HOME CARE ASSISTANCE, LLC,
HOME CARE ASSISTANCE
MANAGEMENT, LLC, HOME CARE
ASSISTANCE HOLDINGS LLC, and DOES
5-25,

Defendants.

Case No. RG20058229

CLASS AND COLLECTIVE ACTION

ASSIGNED FOR ALL PURPOSES TO
DEPARTMENT 17

**[PROPOSED] ORDER GRANTING
MOTION FOR: PRELIMINARY
APPROVAL OF SETTLEMENT AND
PROVISIONAL CERTIFICATION OF
SETTLEMENT CLASS; APPROVING
THE NOTICE OF PROPOSED CLASS
SETTLEMENT, APPOINTING
SETTLEMENT ADMINISTRATOR AND
SETTING FINAL APPROVAL
HEARING DATE**

Date: October 28, 2021

Time: 3:30 p.m.

Dept.: 17

Reservation No.: Preliminary Approval
of Class Settlement: R-2285277

Plaintiffs' motion for an order preliminarily approving a class action settlement and setting a settlement hearing came on for hearing on or about October 28, 2021. The Court issued a tentative ruling which discussed several concerns the Court had regarding the Settlement Agreement. Thereafter Plaintiffs submitted a supplemental declaration providing an Amended Settlement Agreement and Amended Proposed Class Notice. Prior to this continued hearing the Court issued another tentative ruling which has not been challenged.

1 The Court has considered the proposed settlement agreement (as amended), the
2 submissions of counsel, and all other papers filed in this action. The matter having been
3 submitted and good cause appearing therefor, the Court finds as follows:

4 1. All defined terms contained herein shall have the same meanings as
5 set forth in the AMENDED CLASS ACTION SETTLEMENT AGREEMENT AND RELEASE
6 executed by the Parties and filed with this Court (the "Stipulation");

7 2. The Class Representatives and Defendants, through their counsel of
8 record in the Action, have reached an agreement to settle all claims in the Action;

9 3. The Court conditionally finds that, for the purposes of approving this
10 settlement only, the proposed Class meets the requirements for certification under section
11 382 of the California Code of Civil Procedure: (a) the proposed Class is ascertainable and
12 so numerous that joinder of all members of the class is impracticable; (b) for purposes of
13 effectuating this settlement, there are questions of law or fact common to the proposed
14 Class, and there is a well-defined community of interest among members of the proposed
15 Class with respect to the subject matter of the Action; (c) the claims of Class
16 Representatives are typical of the claims of the members of the proposed Class; (d) the
17 Class Representatives have and will fairly and adequately protect the interests of the
18 Members of the Class; (e) for purposes of effectuating this settlement, a class action is
19 superior to other available methods for an efficient adjudication of this controversy; and (f)
20 the counsel of record for the Class Representatives is qualified to serve as counsel for the
21 Class Representatives in their own capacities as well as their representative capacities and
22 for the Class;

23 4. The moving parties also have presented to the Court for review the
24 stipulated Settlement Agreement. The Settlement Agreement is within the range of
25 reasonableness and meets the requirements for preliminary approval; and

26 5. The moving parties have also presented to the Court for review a plan
27 to provide notice to the proposed Class of the terms of the settlement and the options
28 facing the Class including, *inter alia*: to opt out of the class action, to be represented by

1 counsel of their choosing, to object to the settlement, and/or to remain in the Settlement
2 Class and become a Participating Class Member. The notice will be mailed to all Class
3 Members at their Last Known Addresses with provisions for address verification. The notice
4 plan proposed by the parties is the best practical under the circumstances.

5 Good cause appearing therefor,

6 IT IS HEREBY ORDERED that:

7 1. Pursuant to California Rule of Court 3.769(d), the Settlement
8 Agreement is preliminarily approved and the Class is provisionally certified, Hoyer & Hicks
9 is hereby appointed as Class Counsel, Plaintiffs Margaret Rivera, Christine Atencio, and
10 Kay Manaligod are hereby designated the Class Representatives for purposes of
11 Settlement, and Simpluris, Inc. is hereby designated the Settlement Administrator;

12 2. Notice of the proposed settlement, and the rights of Class Members,
13 including the right to opt out of the settlement, shall be given by mailing of the Class Notice
14 by first class, postage prepaid, to all Class Members pursuant to the applicable provisions
15 in the Stipulation. Defendants shall provide the Settlement Administrator with the
16 information necessary to conduct this mailing as set forth in the Stipulation;

17 3. A hearing shall be held before this Court on , 2021, at
18 : (a.m./p.m.) to consider whether the settlement should be given final approval by the
19 Court:

20 (a) The Administrator shall mail the Class Notice Package to each
21 Class Member on or before the date 28 days after entry of this Order, **[28 days from**
22 **entry of order]**.

23 (b) Written objections by Class Members to the proposed
24 settlement will be considered if received by the Settlement Administrator and
25 postmarked on or before the end of the Exclusion/Opt Out Deadline, **[45 days after**
26 **notice mailing date]** (or 45 days after a Notice initially returned as undeliverable is
27 remailed by the Administrator); however, even if an objection is not timely submitted,
28 the Court may nevertheless consider an untimely objection upon a finding of good

1 cause;

2 (b) At the Final Approval Hearing, Class Members may be heard
3 orally in support of or in opposition to the settlement;

4 (c) Class Counsel and counsel for Defendants should be prepared
5 at the hearing to respond to objections submitted by Class Members, and to provide
6 other information as appropriate, bearing on whether or not the settlement should be
7 approved; and

8 (d) At the Final Approval Hearing, the Court shall consider any
9 motions or applications for attorney fees, costs and litigation expenses consistent
10 with the Settlement Agreement.

11 4. Plaintiffs shall file their moving papers supporting Final Approval of the
12 Settlement and any other related motions no later than **[7 days prior to final approval**
13 **hearing]**, seven (7) days prior to the Final Approval Hearing Date.

14 5. In the event that the Effective Date occurs, all Participating Class
15 Members will be deemed to have forever released and discharged the Participating Class
16 Members' Released Claims. In the event that the Effective Date does not occur for any
17 reason whatsoever, the Stipulation shall be deemed null and void and shall have no effect
18 whatsoever.

19 6. All other proceedings in this action are hereby stayed pending the
20 outcome of the parties' request for final approval of the Settlement.

21
22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
24 DATED:

Judge of the Superior Court

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[PROPOSED] ORDER GRANTING MOTION FOR: PRELIMINARY APPROVAL OF SETTLEMENT AND PROVISIONAL CERTIFICATION OF SETTLEMENT CLASS; APPROVING THE NOTICE OF PROPOSED CLASS SETTLEMENT, APPOINTING SETTLEMENT ADMINISTRATOR AND SETTING FINAL APPROVAL HEARING DATE

Marlene Muraco
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October 25, 2021


Brian L. Hicks