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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: September 30, 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 September 30, 2021. The Court issued a tentative ruling which has not been challenged.

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

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

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

6 3. The Court conditionally finds that, for the purposes of approving this
7 settlement only, the proposed Class meets the requirements for certification under section
8 382 of the California Code of Civil Procedure: (a) the proposed Class is ascertainable and
9 so numerous that joinder of all members of the class is impracticable; (b) for purposes of
10 effectuating this settlement, there are questions of law or fact common to the proposed
11 Class, and there is a well-defined community of interest among members of the proposed
12 Class with respect to the subject matter of the Action; (c) the claims of Class
13 Representatives are typical of the claims of the members of the proposed Class; (d) the
14 Class Representatives have and will fairly and adequately protect the interests of the
15 Members of the Class; (e) for purposes of effectuating this settlement, a class action is
16 superior to other available methods for an efficient adjudication of this controversy; and (f)
17 the counsel of record for the Class Representatives is qualified to serve as counsel for the
18 Class Representatives in their own capacities as well as their representative capacities and
19 for the Class;

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

23 5. The moving parties have also presented to the Court for review a plan
24 to provide notice to the proposed Class of the terms of the settlement and the options
25 facing the Class including, *inter alia*: to opt out of the class action, to be represented by
26 counsel of their choosing, to object to the settlement, and/or to remain in the Settlement
27 Class and become a Participating Class Member. The notice will be mailed to all Class
28 Members at their Last Known Addresses with provisions for address verification. The notice

1 plan proposed by the parties is the best practical under the circumstances.

2 Good cause appearing therefor,

3 IT IS HEREBY ORDERED that:

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

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

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

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

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

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

28 (c) Class Counsel and counsel for Defendant should be prepared at

1 the hearing to respond to objections filed by Class Members, and to provide other
2 information as appropriate, bearing on whether or not the settlement should be
3 approved; and

4 (d) At the Final Approval Hearing, the Court shall consider any
5 motions or applications for attorney fees, costs and litigation expenses consistent
6 with the Stipulation.

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

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

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

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18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 DATED:

20 _____
Judge of the Superior Court
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1 **PROOF OF SERVICE BY EMAIL**

2 I declare that I am employed in the City and County of San Francisco, State of
3 California. I am over eighteen years of age and not a party to the within entitled cause. My
4 business address is 4 Embarcadero Center, Suite 1400, San Francisco, California 94111.

5 On the date below, I served:

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

10 to:

11 Marlene Muraco
12 mmuraco@littler.com
13 LITTLER MENDELSON P.C.
14 50 West San Fernando Street, 7th Floor
15 San Jose, CA 95113-2434

16 on:

17 September 2, 2021

18 BY EMAIL: I served the document(s) on the person(s) listed above by emailing them
19 pursuant to the parties' written e-service agreement. I declare under penalty of perjury that
20 the foregoing is true and correct, and that this declaration was executed at San Francisco,
21 California, on the date above.
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Ryan L. Hicks