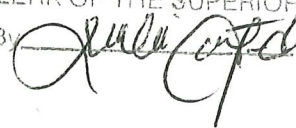


FILED
ALAMEDA COUNTY

NOV 02 2021

CLERK OF THE SUPERIOR COURT

By  Deputy

(Counsel listed on the next page)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

BRIAN HAZEL, on behalf of the State of
California, and on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

HIMAGINE SOLUTIONS, INC., and DOES
1 through 100, inclusive

Defendants.

Case No. RG20068159

~~PROPOSED~~ ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND ENTERING FINAL
JUDGMENT

Date: November 2, 2021

Time: 3:00 p.m.

Judge: Hon. Brad Seligman

Dept.: 23

Complaint filed: July 20, 2020

Trial date: None set

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Attorneys for Plaintiff, Aggrieved Employees,
the State of California, and the Settlement Class

1 On November 2, 2021, a hearing was held on the motion of plaintiff Brian Hazel
2 (“Plaintiff”) for final approval of the parties’ class settlement (the “Settlement”) and payments to
3 the Labor and Workforce Development Agency and the Settlement Administrator.

4 The parties have submitted their Settlement, which this Court preliminarily approved by
5 its July 2, 2021, order (“Preliminary Approval Order”). In accordance with the Preliminary
6 Approval Order, Class Members have been given notice of the terms of the Settlement and the
7 opportunity to comment on or object to it or to exclude themselves from its provisions.

8 Having received and considered the Settlement, the supporting papers filed by the parties,
9 and the evidence and argument received by the Court at the hearing before it entered the
10 Preliminary Approval Order and the final approval hearing on November 2, 2021, the Court grants
11 final approval of the Settlement, and HEREBY ORDERS, ADJUDGES, and DECREES as
12 follows:

13 1. The following persons are Class Members for the purpose of entering a settlement
14 in this matter:

15 All current and former employees who worked for HImagine in a non-exempt
16 Coder Position (Coder Inpatient, Coder In/Outpatient, Coder Physician, Coder
17 Outpatient PT, Coder ER PT, Coder ER, Coder Outpatient, Associate Coder -
18 Acute Care, Coder HCC, Coder Inpatient PT, Coder Ancillary PT, Coder
19 Physician PT, Coder Ancillary, and Coder In/Outpatient PT) while residing in the
20 State of California, at any time from November 1, 2015 through July 2, 2021.

21 2. For the reasons stated in the Preliminary Approval Order, the Court finds and
22 determines that the proposed Class, as defined in the definitions section of the Settlement, meets
23 all of the legal requirements for class certification, and it is hereby ordered that the Class is finally
24 approved and certified as a class for purposes of the Settlement.

25 3. The Court appoints plaintiff Brian Hazel as representative of the Class, and
26 appoints Carolyn Hunt Cottrell, David C. Leimbach, and Scott L. Gordon of Schneider Wallace
27 Cottrell Konecky LLP and Alan L. Quiles of Shavitz Law Group, P.A. as Class Counsel.

28 4. Pursuant to the Preliminary Approval Order, a Notice of Proposed Settlement and
Final Approval Hearing, and Notice of Estimated Settlement Award were sent to each Class

1 Member by first-class mail. These papers informed Class Members of the terms of the Settlement,
2 their right to receive a Settlement Share, their right to comment on or object to the Settlement or
3 to opt out of the Settlement and pursue their own remedies, and their right to appear in person or
4 by counsel at the final approval hearing and be heard regarding approval of the Settlement.
5 Adequate periods of time were provided by each of these procedures.

6 5. The Court finds and determines that this notice procedure afforded adequate
7 protections to Class Members and provides the basis for the Court to make an informed decision
8 regarding approval of the Settlement based on the responses of Class Members. The Court finds
9 and determines that the notice provided in this case was the best notice practicable, which satisfied
10 the requirements of law and due process.

11 6. No Class Members objected to the Settlement as part of this notice process or at
12 the final approval hearing.

13 7. The Court further finds and determines that the terms of the Settlement are fair,
14 reasonable, and adequate to the Class and to each Class Member and that the Class Members who
15 have not opted out will be bound by the Settlement, that the Settlement is ordered finally
16 approved, and that all terms and provisions of the Settlement should be and hereby are ordered to
17 be consummated.

18 8. The Court finds and determines that the Settlement Shares to be paid to the
19 Participating Class Members (Class Members who did not timely submit a valid Exclusion
20 Letter), as provided for by the Settlement, are fair and reasonable. The Court hereby gives final
21 approval to and orders the payment of those amounts to be made to the Participating Class
22 Members out of the Net Settlement Amount in accordance with the Settlement.

23 9. Pursuant to the Labor Code Private Attorneys General Act ("PAGA"), Cal. Lab.
24 Code §§ 2699(1)(2), (1)(4), the Labor Workforce and Development Agency ("LWDA") has been
25 given notice of the Settlement. Pursuant to PAGA, on April 5, 2021, Plaintiff submitted to the
26 LWDA a copy of the Settlement and a copy of the motion seeking preliminary approval of the
27 Settlement. On October 8, 2021, Plaintiff submitted to the LWDA a copy of the Settlement and
28

1 a copy of the motion seeking final approval of the Settlement. The Court finds and determines
2 that this notice of the Settlement complied with the statutory requirements of PAGA.

3 10. The Court finds and determines that payment to the LWDA of \$30,000 as its share
4 of the settlement of civil penalties in this case is fair, reasonable, and appropriate. The Court
5 hereby gives final approval to and orders that the payment of that amount be paid out of the Total
6 Settlement Amount in accordance with the Settlement.

7 11. The Court finds and determines that the fees and expenses of Simpluris, Inc. in
8 administering the settlement, in the amount of \$5,600.00, are fair and reasonable. The Court
9 hereby gives final approval to and orders that the payment of approximately that amount be paid
10 out of the Total Settlement Amount in accordance with the Settlement.

11 12. In addition to any recovery that Plaintiff may receive from the Net Settlement
12 Amount, and in recognition of the Plaintiff's efforts on behalf of the Class, the Court hereby
13 approves the payment of an incentive award to Plaintiff in the amount of \$10,000. This shall be
14 paid from the Total Settlement Amount.

15 13. Pursuant to the authorities and argument presented to the Court, the Court
16 approves the payment of attorneys' fees to Class Counsel in the sum of \$307,500, plus costs and
17 expenses in the amount of \$10,724.67. This shall be paid from the Total Settlement Amount.
18 Upon funding of the Total Settlement Amount, and prior to any payment of the attorneys' fee
19 award to Class Counsel, the Settlement Administrator shall deposit a ten percent holdback of the
20 attorneys' fee award into a separate interest-bearing account. The Settlement Administrator shall
21 release the ten percent holdback of the attorneys' fee award to Class Counsel as soon as
22 practicable following completion of the distribution process and an order from the Court releasing
23 the holdback.

24 14. Without affecting the finality of this order in any way, the Court retains jurisdiction
25 of all matters relating to the interpretation, administration, implementation, effectuation, and
26 enforcement of this order and the Settlement.

27 15. Upon completion of administration of the settlement, the Settlement Administrator
28 will provide written certification of such completion to the Court and counsel for the parties.

1 16. The Court finds that in consideration of Plaintiff's awarded Class Representative
2 Payment, Plaintiff's Settlement Share, and the other terms and conditions of the Settlement, as of
3 the date the Settlement becomes Final, except as provided below, Plaintiff releases any and all
4 known and unknown claims against Himage and any present and former parents, subsidiaries
5 and affiliated companies or entities, including but not limited to RCM Equity LLC, RCM
6 Intermediate Holdings, Inc., and RCM Acquisition, Inc., and their respective officers, directors,
7 employees, partners, shareholders and agents, and any other successors, assigns and legal
8 representatives and related persons and entities ("Released Parties"), including any and all known
9 and unknown claims that arise out of or relate to the allegations in the Action, as well as attorneys'
10 fees and costs, and waives the protection of California Civil Code section 1542 with respect to
11 claims encompassed in this release.

12 17. The Court finds that in consideration for their awarded Settlement Shares, as of
13 the date the Settlement becomes Final, all Participating Class Members release any and all known
14 and unknown claims against Himage and the Released Parties based on the facts alleged in the
15 operative complaint, from November 1, 2015 through the date on which the Court granted
16 preliminary approval of the Settlement, including that Himage failed to pay for all hours
17 worked; pay minimum wages or overtime compensation; provide meal and rest periods;
18 reimburse or indemnify employees for necessary business expenses; provide accurate itemized
19 wage statements; and pay all wages due to discharged and quitting employees. The released
20 claims include but are not limited to such claims brought under California Labor Code sections
21 201, 202, 203, 204, 205, 226, 226.3, 226.7, 256, 510, 512, 1174(d), 1182.11, 1182.12, 1194,
22 1194.2, 1197, 1197.1, 1198, 2802, California Business and Professions Code sections 17200-
23 17208, the Industrial Welfare Commission Wage Orders, and the Fair Labor Standards Act
24 ("FLSA"), 29 U.S.C. § 201 *et seq.* Such claims include claims for wages, statutory penalties,
25 civil penalties, or other relief under the California Labor Code and any other related state or
26 municipal law, relief from unfair competition under California Business and Professions Code
27 section 17200 *et seq.*; attorneys' fees and costs; and interest.

18. The parties are hereby ordered to comply with the terms of the Settlement, including but not limited to the deadlines set forth therein related to the Court-approved payments to Participating Class Members, Plaintiff, the LWDA, and Class Counsel.

19. The parties shall bear his, her, its or their own respective attorneys' fees and costs except as otherwise provided in the Settlement.

20. The Court shall hold a compliance hearing on August 30, 2022 at 3:00 p.m. in Department 23.

21. Pursuant to Cal. Code Civ. Proc. § 384, no later than August 23, 2022, the parties shall submit a compliance report to the Court specifying the total amount paid to Participating Class Members, and the amount of residual, unclaimed funds that will be paid to Legal Aid at Work, the entity identified as the recipient of such funds in the Settlement. The parties shall include a proposed amended judgment and a proposed order releasing the ten percent holdback of the attorneys' fee award to Class Counsel with the filing of the compliance report. No later than five days after receipt of notice of the entry of the amended judgment, the parties shall submit the amended judgment to the Judicial Council, pursuant to Cal. Code Civ. Proc. § 384.5, and shall file a proof of service with this Court confirming this.

IT IS SO ORDERED. LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 11/11, 2021

The Honorable Brad Seligman
Judge of the Superior Court