

BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP

Norman B. Blumenthal (SBN #068687)

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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO**

SHANNON HEUKLOM, MICHAEL
BURRIS, ROSEMARIE BERSABE,
JANICE CAHAMBING, CASSANDRA
COLEMAN, LAUREN POPPEN,
NICOLE MARIE SACHKAR, KELSEY
ADAMS, ERIC SEVERIANO and
JONATHAN RUSHING, on behalf of the
State of California, as private attorney
generals,

Plaintiffs,

v.

CLARA MEDICAL GROUP, P.C., a
California Professional Corporation; and
GOFORWARD, INC., a Corporation; and
DOES 2 through 50, inclusive,

Defendants.

Lead Case No. **CGC-20-587942**

[Consolidated with Case No.: CGC-21-591081]

NOTICE OF ENTRY OF JUDGMENT

Hearing Date: March 16, 2022

Hearing Time: 9:30 a.m.

Judge: Hon. Richard B. Ulmer

Dept.: 302

Date Action Filed: November 4, 2020

Trial Date: Not Set

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

3
4 YOU ARE HEREBY NOTIFIED THAT on March 16, 2022, the Court entered the Order
5 Approving PAGA Settlement and the Judgment in the above entitled action. A true and correct
6 copy of the Order Approving PAGA Settlement is attached hereto as Exhibit #1 and the Judgment is
7 attached hereto as Exhibit #2.

8 Respectfully submitted,

9
10 Dated: March 17, 2022

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

11 By: /s/ Kyle Nordrehaug
12 Kyle R. Nordrehaug
13 Attorneys for Plaintiffs
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I, Kyle Nordrehaug, am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 2255 Calle Clara, La Jolla, California 92037.

On March 17, 2022, I served the document(s) described as:

1. NOTICE OF ENTRY OF JUDGMENT

 X (BY ELECTRONIC SERVICE): I caused the above entitled documents to be served on the following parties to this action via electronic service through File&Serve Express:

Daivid J. Reis
Arnold & Porter Kaye Scholer LLP
Three Embarcadero Center
10th Floor
San Francisco, CA 94111

Email: Matthew.Diton@arnoldporter.com
Email: David.Reis@arnoldporter.com

 X (ONLINE TO THE LWDA): I caused the above-described document to be delivered to the Labor Workforce Development Agency via online process at the PAGA Filing website in accordance with the procedure imposed by the LWDA.

 X (State): I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 17, 2022, at La Jolla, California.


Kyle Nordrehaug

EXHIBIT #1

1 **BLUMENTHAL NORDREHAUG BHOWMIK**
2 **DE BLOUW LLP**

3 Norman B. Blumenthal (SBN #068687)
4 Kyle R. Nordrehaug (SBN #205975)
5 Aparajit Bhowmik (SBN #248066)
6 2255 Calle Clara
7 La Jolla, CA 92037
8 Telephone: (858) 551-1223
9 Facsimile: (858) 551-1232

10 Attorneys for Plaintiffs

FILED
San Francisco County Superior Court

MAR 16 2022

CLERK OF THE COURT

[Signature]
Deputy Clerk

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

13 SHANNON HEUKLOM, MICHAEL
14 BURRIS, ROSEMARIE BERSABE,
15 JANICE CAHAMBING,
16 CASSANDRA COLEMAN, LAUREN
17 POPPEN, NICOLE MARIE
18 SACHKAR, KELSEY ADAMS, ERIC
19 SEVERIANO and JONATHAN
20 RUSHING, on behalf of the State of
21 California, as private attorney generals,

22 Plaintiffs,

23 vs.

24 CLARA MEDICAL GROUP, P.C., a
25 California Professional Corporation;
26 and GOFORWARD, INC., a
27 Corporation; and DOES 2 through 50,
28 inclusive,

Defendants.

Lead Case No. CGC-20-587942
[Consolidated with Case No.: CGC-21-591081]

**~~PROPOSED~~ ORDER APPROVING PAGA
SETTLEMENT**

Hearing Date: March 16, 2022
Hearing Time: 9:30 a.m.

Judge: Hon. Richard B. Ulmer
Dept.: 302

Date Action Filed: November 4, 2020
Trial Date: Not Set

1 Plaintiffs Shannon Heuklom, Michael Burris, Eric Severiano, Jonathan Rushing, Cassie
2 Coleman, Janice Cahambing, Rosemarie Bersabe, Lauren Poppen, Nicole Marie Sachkar and Kelsey
3 Adams ("Plaintiffs") move for approval of the settlement of Plaintiffs' claims under the California
4 Labor Code Private Attorneys General Act ("PAGA"), pursuant to California Labor Code § 2699(1),
5 against Defendants Clara Medical Group, P.C. and GoForward, Inc. ("Defendants"). Plaintiffs'
6 motion was not opposed and the motion to approve PAGA settlement is granted.

7 Plaintiffs exhausted all administrative remedies required to bring the PAGA claims asserted
8 in this action and are authorized to act as private attorney generals with respect to the PAGA claims
9 being released under the terms of the PAGA Settlement Agreement ("Settlement Agreement"). The
10 California Labor Workforce Development Agency was provided with notice of the Settlement and
11 the motion for approval of the PAGA settlement via its online process and no objection has been
12 received to the settlement or the motion from the Labor Workforce Development Agency.

13 The Parties seek approval of the settlement of Plaintiffs' PAGA claims and the PAGA
14 Payment to be paid as part of the settlement as set forth in the Settlement Agreement which was filed
15 with the Court. The settlement provides for a Gross PAGA Settlement Amount in the total sum of
16 \$600,000, which includes the PAGA Payment, the Settlement Administration Costs (not to exceed
17 \$4,000), PAGA Counsel's Attorneys' Fees in the amount of \$200,000 (one-third of the Gross
18 Settlement Amount), PAGA Counsel's Attorneys' Expenses in the amount of \$16,137.58 (not to
19 exceed \$20,000) and enhancement awards of \$10,000 for each of the ten Plaintiffs (\$100,000 total).
20 The PAGA Payment, which is the amount remaining of the Gross PAGA Settlement Amount after
21 deduction of Settlement Administration Costs, Enhancement Awards, Attorneys' Fees and
22 Attorneys' Expenses, shall be allocated to Labor Code 2699 penalties, including other civil penalties
23 specified in the Labor Code, of which 75% of the payment will be paid to the LWDA and 25% will
24 be paid to the Aggrieved Employees.

25 The Court, having reviewed the evidence and papers submitted and argument of counsel,
26 pursuant to Labor Code section 2699(1)(2) hereby GRANTS the Plaintiffs' motion and approves the
27 PAGA settlement as set forth in the Settlement Agreement and the PAGA Payment, which shall be
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1 allocated and paid out as set forth in the Settlement Agreement.

2 **IT IS SO ORDERED.**

3
4 DATED: 3/16/22

RLH
THE HONORABLE RICHARD B. ULMER
JUDGE OF THE SUPERIOR COURT

EXHIBIT #2

1 **BLUMENTHAL NORDREHAUG BHOWMIK**
2 **DE BLOUW LLP**

3 Norman B. Blumenthal (SBN #068687)
4 Kyle R. Nordrehaug (SBN #205975)
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8 Telephone: (858) 551-1223
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10 Attorneys for Plaintiffs

FILED
San Francisco County Superior Court

MAR 16 2022

CLERK OF THE COURT

[Signature]
Deputy Clerk

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

13 SHANNON HEUKLOM, MICHAEL
14 BURRIS, ROSEMARIE BERSABE,
15 JANICE CAHAMBING,
16 CASSANDRA COLEMAN, LAUREN
17 POPPEN, NICOLE MARIE
18 SACHKAR, KELSEY ADAMS, ERIC
19 SEVERIANO and JONATHAN
20 RUSHING, on behalf of the State of
21 California, as private attorney generals,

22 Plaintiffs,

23 vs.

24 CLARA MEDICAL GROUP, P.C., a
25 California Professional Corporation;
26 and GOFORWARD, INC., a
27 Corporation; and DOES 2 through 50,
28 inclusive,

Defendants.

Lead Case No. CGC-20-587942
[Consolidated with Case No.: CGC-21-591081]

[PROPOSED] JUDGMENT ON APPROVAL
OF PAYA SETTLEMENT (UM)

Hearing Date: March 16, 2022
Hearing Time: 9:30 a.m.

Judge: Hon. Richard B. Ulmer
Dept.: 302

Date Action Filed: November 4, 2020
Trial Date: Not Set

1 Plaintiffs Shannon Heuklom, Michael Burris, Eric Severiano, Jonathan Rushing, Cassie
2 Coleman, Janice Cahambing, Rosemarie Bersabe, Lauren Poppen, Nicole Marie Sachkar and Kelsey
3 Adams (“Plaintiffs”) motion for approval of the settlement of Plaintiffs’ claims under the California
4 Labor Code Private Attorneys General Act (“PAGA”), pursuant to California Labor Code § 2699(l),
5 against Defendants Clara Medical Group, P.C. and GoForward, Inc. (“Defendants”) was granted, on
6 on that basis, judgment is hereby entered as follows:

7 The “Aggrieved Employees” are defined as all individuals who were engaged by either
8 Defendant Clara Medical Group, P.C. and/or Defendant GoForward, Inc. in California as Care
9 Coordinators and classified as independent contractors during the period January 5, 2020 to February
10 1, 2022; and all individuals who were engaged by either Defendant Clara Medical Group, P.C.
11 and/or Defendant GoForward, Inc. in California as Nurse Practitioners and classified as independent
12 contractors during the period April 15, 2019 to February 1, 2022. The Aggrieved Employees are
13 estimated to consist of 67 individuals -- 54 Aggrieved Employees who worked as Nurse Practitioners
14 and 13 Aggrieved Employees who worked as Care Coordinators.

15 Upon the Effective Date of this Order and Judgment, Defendants and the Released Parties¹
16 shall be entitled to a release of the PAGA Released Claims. The “PAGA Released Claims” are all
17 claims for civil penalties under California Labor Code §§ 2698 *et seq.*, predicated on the California
18 Labor Code violations that are asserted in the LWDA Notice and operative complaint in the
19 *Heuklom* and *Severiano* Actions, or that could have been asserted in the LWDA Notice and
20 operative complaint in the *Heuklom* and *Severiano* Actions based on the facts alleged therein, which
21 are for civil penalties pursuant to Labor Code section 2699, *et seq.* for violations alleged in or based
22 on the facts asserted in the operative complaints in the *Heuklom* and *Severiano* Actions, including
23 Labor Code sections §§ 201, 202, 203, 204, 210, 226(a), 226.7, 226.8, 245, 351, 510, 512, 558,
24 1194, 1197, 1197.1, 1198, 2802 and applicable Industrial Welfare Commission Wage Orders. The
25 “PAGA Released Claims” expressly excludes underlying wage and hour claims, claims for wrongful
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27 ¹ “Released Parties” means Defendants and any of their past or present agents, officers, directors, employees,
28 stockholders, members, parent corporations, subsidiaries, affiliates, partners, predecessors and successors and
predecessors in interest, insurers, and assigns of the foregoing (expressly including, but not limited to Adrian Aoun).

1 termination, discrimination, unemployment insurance, disability, worker's compensation, and claims
2 outside of the CC PAGA Period and/or NP PAGA Period. In no event shall the release of the
3 Released PAGA Claims in this Settlement Agreement release any individual claims of any
4 individuals.

5 This claim asserted under PAGA in this action is dismissed with prejudice. After entry of
6 this Order and Judgment, the Court shall retain jurisdiction to construe, interpret, implement, and
7 enforce the Settlement Agreement, to hear and resolve any contested challenge to a claim for
8 settlement benefits, and to supervise and adjudicate any dispute arising from or in connection with
9 the distribution of settlement benefits.

10 **IT IS SO ORDERED AND ADJUDGED. LET JUDGMENT BE FORTHWITH**
11 **ENTERED ACCORDINGLY.**

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13 DATED: 3/16/22

14 Lh
15 THE HONORABLE RICHARD B. ULMER
16 JUDGE OF THE SUPERIOR COURT
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