

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 151519 NAME: Jeff Geraci FIRM NAME: COHELAN KHOURY & SINGER STREET ADDRESS: 605 C Street, Suite 200 CITY: San Diego STATE: CA ZIP CODE: 92101 TELEPHONE NO.: 619-595-3001 FAX NO.: 619-595-3000 E-MAIL ADDRESS: jgeraci@ckslaw.com ATTORNEY FOR (name): Plaintiff Julio Ochoa	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, 92701 BRANCH NAME: Central Justice Center	
PLAINTIFF/PETITIONER: Julio Ochoa DEFENDANT/RESPONDENT: Speech And Language Development Center, Inc. OTHER:	CASE NUMBER: 30-2020-01143577-CU-OE-CXC JUDICIAL OFFICER: Hon. James J. Di Cesare
PROPOSED ORDER (COVER SHEET)	DEPT: C-16

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Plaintiff Julio Ochoa

2. Title of the proposed order:
Order Granting Preliminary Approval Of Class Action Settlement

3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Motion
 - b. Date and time: June 10, 2022; 9:30 a.m.
 - c. Place: C-16

4. The proposed order was served on the other parties in the case.

Jeff Geraci / March 24, 2022

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:
CRANDALL, ET AL. v. MAXIM HEALTHCARE SERVICES, INC., ET AL.

CASE NUMBER:
30-2020-01143577-CU-OE-CXC

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):

b. My electronic service address is (*specify*):

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

b. To (*electronic service address of person served*):

c. On (*date*):

☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

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on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

JULIO OCHOA, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SPEECH AND LANGUAGE
DEVELOPMENT CENTER, INC.; and
DOES 1 through 25, inclusive

Defendants.

Case No. 30-2020-01143577-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:

The Honorable James J. Di Cesare
Department C16

CLASS ACTION

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

Date: June 10, 2022

Time: 9:30 a.m.

Dept: C16

Judge: Honorable James J. Di Cesare

Reservation: 73725796

Complaint filed: June 18, 2020

Trial date: Not set

1 Plaintiff's Motion for Order Granting Preliminary Approval of Class Action Settlement
2 ("Motion") came on for hearing on June 10, 2022 in Department C16 of the above-captioned
3 Court.

4 The Court, having fully reviewed the Motion, supporting Memorandum of Points and
5 Authorities, Declarations of Jeff Geraci of Cohelan Khoury & Singer, and Jonathan M. Lebe of
6 Lebe Law, APLC, Settlement Agreement and Release of Class and Representative Action,
7 ("Settlement Agreement"), proposed Notice of Class Action Settlement ("Class Notice") and
8 Change of Address Form attached as exhibits to the Settlement Agreement, having carefully
9 analyzed the Settlement Agreement and its exhibits, and in recognition of the Court's duty to
10 make a preliminary determination as to the reasonableness of any proposed class action
11 settlement, and if preliminarily determined to be reasonable, to ensure proper notice is provided
12 to all Class Members in accordance with due process requirements, and to set a Final Approval
13 Hearing to consider the good faith, fairness, adequacy and reasonableness of any proposed
14 Settlement, THE COURT MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

15 1. The Court conditionally finds, for the purpose of approving this settlement only,
16 the proposed Class meets the requirements of California Code of Civil Procedure section 382:
17 (a) the proposed Class is ascertainable and so numerous joinder of all Class Members is
18 impracticable; (b) there are questions of law or fact common to the proposed Class, and a well-
19 defined community of interest in the subject matter of the class action among Class Members;
20 (c) the claims of the Class Representative are typical of the claims of proposed Class Members;
21 (d) the Class Representative has and will adequately protect the interests of the Class Members;
22 (e) a class action is superior to other available methods for efficient adjudication of this
23 controversy in the settlement context; and (f) counsel of record for the Class Representative are
24 qualified to serve as counsel for the Class.

25 2. The Court finds on a preliminary basis that the Settlement Agreement, attached
26 to the Declaration of Jeff Geraci as Exhibit "1," incorporated by this reference in full, and made
27 a part of this Order of preliminary approval, appears to be within the range of reasonableness of
28 a settlement which could ultimately be given final approval by this Court.

1 3. It appears to the Court on a preliminary basis that: (a) the settlement amount is
2 fair and reasonable to Class Members when balanced against the probable outcome of further
3 litigation relating to class certification, liability and damages issues, and potential appeals;
4 (b) significant investigation, research, and informal discovery have been conducted and counsel
5 for the Parties are able to reasonably evaluate their respective positions; (c) settlement will
6 avoid substantial costs, delay and risks presented by further prosecution of the Action; and
7 (d) the proposed Settlement is the result of intensive, serious and non-collusive negotiations
8 between the Parties and facilitated by an experienced mediator.

9 4. Accordingly, good cause appearing, the Motion for Order Granting Preliminary
10 Approval of Class Action Settlement is GRANTED, and as a part of preliminary approval, the
11 Court accepts and incorporates the Settlement Agreement in this Order and orders the Class be
12 conditionally certified for settlement purposes only pursuant to the terms and conditions of the
13 Agreement.

14 5. The Class is defined for purposes of the settlement of this Action, as: “all
15 persons employed by Defendant Speech and Language Development Center, Inc. in California
16 as non-exempt employees at any time from April 6, 2016 through March 13, 2020.”

17 6. The Court finds the proposed Notice of Class Action Settlement (“Class Notice”)
18 fairly and adequately advises Class Members of (a) the pendency of the Class Action;
19 (b) the conditional certification of the Class for settlement purposes only; (c) preliminary Court
20 approval of the proposed Settlement; (d) the date of the Final Approval Hearing; (e) the terms of
21 the proposed Settlement and benefits available to Class Members; (f) their right to receive a
22 proportionate share of the Net Settlement Amount without the need to return a claim form;
23 (g) their right to request exclusion from the settlement and the procedures and deadline for
24 doing so; (h) their right to object to, or file documents in opposition to the Settlement, and the
25 procedure for doing so; and (i) their right to appear at the Final Approval hearing. The Court
26 further finds that the Class Notice clearly comports with all constitutional requirements,
27 including those of due process. Accordingly, good cause appearing, the Court APPROVES the
28 Class Notice.

1 7. The Court further finds mailing of the Class Notice, Change of Address Form,
2 and pre-printed return envelope, (“Notice Packet”), to the last known address of Class Members
3 as described in the Settlement Agreement, with the measures taken for verification of addresses
4 and skip tracing set forth, is an effective method of notifying Class Members of their rights with
5 respect to the class action and Settlement. Accordingly, it is ORDERED:

6 A. Simpluris, Inc. be appointed the Settlement Administrator to administer the
7 Settlement as more specifically set forth in the Settlement Agreement.

8 B. The law firms Cohelan Khoury & Singer and Lebe Law, APLC be appointed as
9 Class Counsel.

10 C. Plaintiff Julio Ochoa be appointed Class Representative.

11 D. Within fourteen (14) calendar days after entry of a Preliminary Approval Order,
12 Defendant shall transmit to the Settlement Administrator in a readable, ready to use electronic
13 excel format spreadsheet, the Class Data List showing for each member of the Class the
14 following information: name, most current or last known mailing address, telephone number(s)
15 and email address as indicated in Defendant’s records, social security number, dates of
16 employment, and the aggregate number of Workweeks, and aggregate number of Pay Periods

17 A. Within ten (10) business days after receipt of the Class Data List, the Settlement
18 Administrator shall mail to each Class Member a Notice Packet by first class, regular U.S. mail,
19 using the most current mailing address information available, with measures taken for updating
20 an address as provided by the terms of the Settlement Agreement. The exterior of the mailing
21 envelope shall include the following language below the Administrator’s address:

22 **IMPORTANT LEGAL DOCUMENT:**
23 **You may get Money from a Class Action**
24 **Settlement; your prompt reply to correct a**
25 **BAD address is required.**

26 B. On or before the Response Deadline [45 calendar days from the first date the
27 Settlement Administrator mails the Notice Packet to Class Members (“Response Deadline”)],
28 Class Members who wish to exclude themselves from the Class must postmark and submit a
written request for exclusion by the Response Deadline as set forth in the Class Notice.

1 The Response Deadline is extended 15 calendar days for any Class Member re-mailed a Notice
2 Packet by the Settlement Administrator, unless the 15th day falls on a Sunday or Federal
3 holiday, then the Response Deadline will be the next day the U.S. Postal Service is open.

4 C. On or before the Response Deadline, Class Members who dispute the number of
5 Workweeks must postmark and submit a written explanation to the Settlement Administrator
6 describing why the Workweeks are incorrect, with any supporting information, as set forth in
7 the Class Notice. The Response Deadline will be extended fifteen (15) calendar days for any
8 Class Member who is re-mailed a Notice Packet by the Settlement Administrator, unless the
9 15th day falls on a Sunday or Federal holiday, then the Response Deadline will be the next day
10 the U.S. Postal Service is open.

11 D. On or before the Response Deadline, Class Members who wish to object to the
12 Settlement, should submit to the Settlement Administrator, a Notice of Objection which must
13 include, (i) the objector's full name, address, and last four digits of social security number; and
14 (ii) the basis for the objection. Class Members who do not submit written objections may appear
15 at the time of the Final Approval Hearing to comment upon the Settlement. The Response
16 Deadline will be extended fifteen (15) calendar days for any Class Member who is re-mailed a
17 Notice Packet by the Settlement Administrator, unless the 15th day falls on a Sunday or Federal
18 holiday, then the Response Deadline will be the next day on which the U.S. Postal Service is
19 open.

20 8. IT IS FURTHER ORDERED the Final Approval Hearing shall be held before
21 the undersigned at ____ p.m. on _____, 2022, in Department C16 of the Superior Court for
22 the State of California, County of Orange located in at 700 W. Civic Center Drive, Santa Ana,
23 California 92702, to consider the fairness, adequacy and reasonableness of the proposed
24 Settlement preliminarily approved by this Order of Preliminary Approval, and to consider
25 applications for a Service Payment award to the Plaintiff/Class Representative, Settlement
26 Administration expenses, and Class Counsel's attorneys' fees and costs. All briefs and materials
27 in support of an Order Granting Final Approval and Entering Judgment, Service Payment,
28 Settlement Administration Payment, and Class Counsel's attorneys' fees and costs shall be

1 filed sixteen (16) court days before the scheduled hearing.

2 9. All proceedings in this matter, except those contemplated by the Settlement
3 Agreement or this Order, are stayed.

4 10. The Court expressly reserves the right to adjourn or continue the Final Approval
5 Hearing from time to time without further notice to Class Members. Class Counsel is to provide
6 notice of any change in the hearing date to Class Members who have filed written objections.

7 IT IS SO ORDERED.

8
9 Date: _____

Hon. James J. Di Cesare
Judge of the Superior Court