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Sherri R. Carter, Executive Officer / Clerk of Court

By: R. Aspiras Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

TERESA JONES, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

OPTIMAL HOSPICE CARE, INC.;
OPTIMAL HOSPICE, INC.; BRISTOL
HOSPICE – CALIFORNIA, L.L.C.;
BRISTOL HOSPICE – COACHELLA
VALLEY, L.L.C.; BRISTOL HOSPICE
– INLAND EMPIRE, L.L.C.; BRISTOL
HOSPICE – SACRAMENTO, L.L.C.;
BRISTOL HOSPICE – SAN DIEGO,
L.L.C.; BRISTOL HOSPICE – SAN
JOSE, L.L.C.; BRISTOL HOSPICE –
STOCKTON, L.L.C.; and DOES 1
through 20, inclusive,

Defendants.

Case No. 20STCV23170

[Related to Case Nos. 21CV-00326 and 21CV-
00328 in the Merced Superior Court]

*Assigned for all purposes to:
Hon. Elihu M. Berle, Dept. 6*

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

Date: June 1, 2022

Time: 9:00 a.m.

Dept: 6

1 This matter came on for hearing on June 1, 2022, at 9:00 a.m., in Department 6 of the
2 above-captioned Court on the unopposed Motion for Final Approval of Class Action Settlement
3 pursuant to California Rule of Court 3.769, this Court's Order Granting Preliminary Approval
4 filed January 26, 2022 and the Joint Stipulation for Settlement ("Settlement Agreement"), a copy
5 of which was filed in conjunction with the Plaintiffs' Motion for Preliminary Approval of Class
6 Action Settlement.

7 Having received and considered the Settlement Agreement, the supporting papers filed by
8 the Parties, and the evidence and argument received by the Court in conjunction with the
9 unopposed Motion for Preliminary Approval of Class Action Settlement heard January 26, 2022
10 and the instant Motion for Final Approval, the Court grants final approval of the Settlement and
11 HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

12 1. Pursuant to the Order Granting Preliminary Approval, a Notice Packet was sent to
13 each Settlement Class Member by first-class mail. These papers informed the Settlement Class of
14 the terms of the Settlement, their right to receive an Individual Settlement Payment, their right (a)
15 to comment on or object to the Settlement, (b) to request exclusion from the Settlement and pursue
16 their own remedies, and (c) of their right to appear in person or by counsel at the final approval
17 hearing and to be heard regarding approval of the Settlement. Adequate periods of time were
18 provided by each of these procedures. No member of the Class filed written objection to the
19 proposed Settlement as part of this notice process or stated an intention to appear at the final
20 approval hearing.

21 2. The Court finds and determines that this notice procedure afforded adequate
22 protections to Settlement Class Members and provides the basis for the Court to make an informed
23 decision regarding approval of the Settlement based on the responses of the Settlement Class.
24 The Court finds and determines that the notice provided in this case was the best notice
25 practicable, which satisfied the requirements of law and due process.

26 3. With respect to the Settlement Class and for purposes of approving this Settlement
27 only, this Court finds and concludes that: (a) the members of the Settlement Class are
28 ascertainable and so numerous that joinder of all members is impracticable; (b) there are questions

1 of law or fact common to the Settlement Class, and there is a well-defined community of interest
2 among members of the Settlement Class with respect to the subject matter of the Action; (c) the
3 claims of Class Representatives Teresa Jones and Barbara Desoto are typical of the claims of the
4 members of the Settlement Class; (d) the Class Representatives have fairly and adequately
5 protected the interests of the members of the Settlement Class; (e) a class action is superior to
6 other available methods for an efficient adjudication of this controversy; and (f) the counsel of
7 record for the Class Representatives, i.e., Class Counsel, are qualified to serve as counsel for
8 Plaintiff in their individual and representative capacities for the Class.

9 4. The Court has certified a Settlement Class, as that term is defined in and by the
10 terms of the Settlement Agreement as all current and former non-exempt employees who are or
11 were employed by Defendants in California at any time during the Class Period.

12 5. The Court hereby confirms Aegis Law Firm, PC and Blumenthal Nordrehaug
13 Bhowmik De Blouw LLP as Class Counsel.

14 6. The Court hereby confirms Plaintiffs Teresa Jones and Barbara Desoto as the
15 Class Representatives in this Action.

16 7. The Court finds and determines that the terms set forth in the Settlement
17 Agreement are fair, reasonable, and adequate and directs the Parties to effectuate the Settlement
18 according to its terms, having found that the Settlement was reached as a result of informed and
19 non-collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds
20 that the Parties conducted extensive investigation, research, and discovery and that their attorneys
21 were able to reasonably evaluate their respective positions. The Court also finds that the
22 Settlement will enable the Parties to avoid additional and potentially substantial litigation costs,
23 as well as delay and risks if the Parties were to continue to litigate the case. The Court has
24 reviewed the monetary recovery provided as part of the Settlement and recognizes the significant
25 value accorded to the Class.

26 8. The Court further finds and determines that the terms of the Settlement are fair,
27 reasonable and adequate to the Settlement Class and to each Settlement Class Member and that
28

1 the Settlement is ordered finally approved, and that all terms and provisions of the Settlement
2 should be and hereby are ordered to be consummated.

3 9. The Court hereby approves the Gross Settlement Amount of \$4,000,000.00.

4 10. The Court finds and determines that the Individual Settlement Payments to be paid
5 to participating Settlement Class Members as provided for by the Settlement are fair and
6 reasonable. The Court hereby gives final approval to and orders the payment of those amounts be
7 made to the participating Settlement Class Members in accordance with the Settlement
8 Agreement.

9 11. The Court finds and determines that payment to the California Labor and
10 Workforce Development Agency of \$75,000.00 as its share of the settlement of civil penalties in
11 this case is fair, reasonable, and appropriate. The Court hereby gives final approval to and orders
12 that the payment of that amount be paid in accordance with the Settlement Agreement.

13 12. The Court finds and determines that the fees and expenses in administrating the
14 Settlement incurred by Phoenix Settlement Administrators in the amount of \$14,950.00 are fair
15 and reasonable. The Court hereby gives final approval to and orders that the payment of that
16 amount in accordance with the Settlement.

17 13. The Court finds and determines the Class Representative Incentive Awards of
18 ~~\$15,000~~ ^{\$7,500} (Total \$15,000) for each Plaintiff are fair and reasonable. The Court hereby orders the Administrator
19 to make this payment to the Plaintiffs/Class Representatives in accordance with the terms of the
20 Settlement Agreement.

21 14. Pursuant to the terms of the Settlement, and the authorities, evidence and
22 argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees
23 in the sum of \$1,333,333.33 and litigation costs of \$19,575.75. The Court finds such amounts
24 to be fair and reasonable. The Court hereby orders the Settlement Administrator to make these
25 payments in accordance with the terms of the Settlement Agreement.

26 15. Without affecting the finality of this order or the entry of judgment in any way,
27 the Court retains jurisdiction of all matters relating to the interpretation, administration,
28 implementation, effectuation, and enforcement of this order and the Settlement.

1 16. Nothing in this order shall preclude any action to enforce the Parties' obligations
2 under the Settlement or under this order, including the requirement that Defendants make
3 payment to the participating Settlement Class Members in accordance with the Settlement.

4 17. Upon completion of administration of the Settlement, the Settlement
5 Administrator will provide written certification of such completion to the Court and counsel for
6 the Parties which shall be filed with the Court five (5) court days before the ~~non-appearance~~
7 compliance hearing set for ~~February~~ ^{May} 1, 2023 at 9:00 a.m. [or _____, 2023 at 9:00 a.m.],
8 in Dept. 6.

9 18. The Court hereby enters final judgment in accordance with the terms of the
10 Settlement Agreement, the Order Granting Preliminary Approval of Class Action Settlement
11 filed on January 26, 2022, and this Order.

12 19. The Parties will bear their own costs and attorneys' fees except as otherwise
13 provided by this Court's Order awarding Class Counsels' Award for attorneys' fees and litigation
14 costs.

15 DATED: September 8, 2022



Elihu M. Berle

Elihu M. Berle / Judge
Honorable Elihu M. Berle
JUDGE OF THE SUPERIOR COURT