

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

MELODY DONBOLI, Individually and on
behalf of all similarly-situated employees of
Defendants in the State of California,

Plaintiff,

v.

PSYCHIATRIC ALTERNATIVES AND
WELLNESS CENTER PROFESSIONAL
CORPORATION and DOES 1 through 50,
inclusive,

Defendants

Case No.: 37-2020-00029809-CU-OE-CTL

Unlimited Civil - Amount Demanded
Exceeds \$25,000.00

CLASS ACTION [CCP § 382]

Reservation No.: 2427894

IMAGED FILE

**[PROPOSED] ORDER RE PLAINTIFF'S
UNOPPOSED MOTION: (1)
PROVISIONALLY CERTIFYING
SETTLEMENT CLASS; (2) PRELIMINARILY
APPROVING CLASS ACTION
SETTLEMENT; (3) DIRECTING
DISTRIBUTION OF NOTICE OF
SETTLEMENT TO THE CLASS; (4)
APPOINTING CLASS COUNSEL AND CLASS
REPRESENTATIVE; (5) SETTING A
HEARING FOR FINAL APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: March 4, 2022

Hearing Time: 10:30 a.m.

Judge: Carolyn Caietti

Dept.: C-70

Date Complaint Filed: August 25, 2020

Plaintiff Melody Donboli unopposed Motion for an Order preliminarily approving the class action settlement; provisionally certifying a class for settlement purposes only; directing distribution to the class of the notice to the class, appointing class counsel, appointing the claims administrator, and scheduling a final approval hearing was considered on March 4, 2022 at 10:30 a.m. at Dept.: C-70. The Court has considered the Stipulated Settlement Agreement and Release of Claims ("Agreement"), the submissions of counsel, and all other papers filed in this action. The matter having been submitted and good cause appearing therefore, the Court orders as follows:

1. The Court preliminarily approves of the settlement set forth in the Agreement as falling within the range of possible approval and meriting submission to potential Class Members for consideration, subject only to the consideration of objections of Class Members and the final review by the Court.

2. For purposes of, and solely in connection with, the settlement, the Court finds that each of the requirements for certification of the class set forth in Plaintiff's unopposed Motion for Preliminary Approval of Class Action Settlement are met and hereby certifies the following Settlement Class:

"All current and former Marriage and Family Therapists, Licensed Clinical Social Workers and workers with similar job titles and/or job duties who worked for Defendants in the State of California at any time between August 25, 2016, through the date the court enters an order granting preliminary approval of the settlement (the "Class Period"), or 30 days after the motion for preliminary approval is filed, whichever is earlier."

3. The Court approves, as to form and content, for dissemination and distribution to the Class Members, the proposed Notice of Proposed Class Action Settlement ("Notice") attached as Exhibit 2 to the Declaration of Brian R. Short in support of Plaintiff's Motion for Preliminary Approval.

4. The Court hereby appoints Brian R. Short and Dorota A. James of ShortLegal, APC as counsel for the Final Settlement Class.

5. The following dates shall govern for purposes of this settlement:

Deadline	Activity
March 11, 2022 (or 7 business days after Prelim. Order)	Defendant shall provide the Claims Administrator with the requisite Class Member database.
March 25, 2022 (or 14 calendar days	Notices shall be mailed to Class Members.

1	after Defendant provides class database to Claims Administrator)	
2		
3	30 days after initial mailing of Notice	All Requests for Exclusion must be postmarked no later than this date.
4	30 days after initial mailing of Notice	All objections to the settlement must be filed and served no later than this date.
5	_____, 2022 (or 16 court days prior to final approval hearing)	Plaintiff's Counsel shall file their Motion for Final Approval of Class Action Settlement.
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8	_____, 2022 (or 16 court days prior to final approval hearing)	Plaintiff's Counsel shall file their Motion for Attorney's Fees and Costs.
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10	_____, 2022 (or 10 calendar days prior to Final Approval Hearing)	Plaintiff's Counsel shall provide to the Court a declaration by the Claims Administrator of due diligence and proof of mailing of the Notice.
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12	_____, 2022	Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs.
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14 6. The Court hereby appoints ILYM Group, Inc. as the Claims Administrator of the
15 settlement.

16 7. The Claims Administrator shall send the Notice by first class United States mail to the
17 Settlement Class on or before March 25, 2022 (or 21 calendar days after Preliminary Approval). Each
18 Class Member shall have until 30 days after initial mailing of Notice within which to postmark his or her
19 request for exclusion and return it to the Claims Administrator.

20 8. The Court finds that the mailing of the Notice as set forth in the Agreement constitutes the
21 best notice practicable under the circumstances to the Settlement Class, satisfies the requirements of
22 California Code of Civil Procedure and due process, and shall constitute due and sufficient notice to all
23 persons entitled thereto.

24 9. Any Class Member may request to be excluded from the Settlement Class by submitting a
25 Request for Exclusion from the settlement within 30 days after initial mailing of Notice by following the
26 procedure as set forth in the Notice titled "What Are Your Options?" Any Request for Exclusion must
27 include the name, address, telephone number, last four digits of their social security number and signature,
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1 and the dates of employment of the Class Member requesting exclusion. Any Class Member who timely
2 requests exclusion in compliance with these requirements (i) shall not have any rights under this
3 settlement; (ii) shall not be entitled to receive any Settlement Payments under this settlement; and (iii)
4 shall not be bound by this settlement or the Court's Order and Final Judgment.

5 10. Any Class Member may object to the settlement. To object, the Class Member may file a
6 written objection and a notice of intention to appear at the Final Approval Hearing and must send copies
7 to Class Counsel and Defendant's Counsel as set forth in the Notice. Class Members may file and serve
8 their objections within 30 days after initial mailing of Notice. Class Members who fail to file and serve
9 timely, written objections in the manner specified in the Notice shall be deemed to have waived any
10 objections and shall be foreclosed from making any objection (whether by appeal or otherwise) to the
11 settlement, unless otherwise ordered by the Court. Counsel for the parties may, at least 10 days before
12 the Final Approval Hearing, file responses to any written objections submitted to the Court.

13 11. Class Counsel shall provide to the Court, at least 10 calendar days prior to the Final
14 Approval Hearing, a declaration by the Claims Administrator of due diligence and proof of mailing with
15 regard to the mailing of the Notice.

16 12. Neither this Order nor the Agreement nor any of its terms or provisions, nor any of the
17 negotiations or proceedings connected with it, shall be construed as an admission or concession by
18 Defendant of the truth of any of the allegations in the complaint or of any liability, fault or wrongdoing of
19 any kind.

20 13. Upon final approval by the Court of the Agreement, and except as to such rights or claims
21 as may be created by the settlement, the Class Representative, the Settlement Class and each Class
22 Member who has not submitted a valid and timely Request for Exclusion, each fully release and will be
23 deemed to have forever released and discharged the Released Claims. In the event that the settlement
24 does not become final for any other reason, the settlement will be null and void.

25 14. Class Counsel shall file their motion for final approval at least 16 court days before the
26 date of the Final Approval Hearing.

27 15. Class Counsel shall file their application for attorney's fees and costs for the named
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1 Plaintiff at least 16 court days before the date of the Final Approval Hearing.

2 16. On _____, 2022 at _____ a.m./p.m., or as soon thereafter as counsel may be heard in
3 Department C-70, a hearing will be held to determine whether the proposed settlement, including payment
4 of Class Counsel's attorney's fees and costs and the Class Representative's service payment, should be
5 finally approved as fair, reasonable and adequate as to the members of the Settlement Class. The Court
6 may adjourn or continue the Final Approval Hearing without further notice to the Settlement Class.

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8 **IT IS SO ORDERED.**

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10 Dated: _____

11 HON. CAROLYN CAIETTI
12 JUDGE OF THE CALIFORNIA SUPERIOR
13 COURT, COUNTY OF SAN DIEGO
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