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

DONOVIN FOXX, BYRON BRYANT, and
YOLANDA CARBAJAL, on behalf of
themselves, the State of California and all
aggrieved employees

Plaintiffs,

v.

HEALTHCARE SERVICES GROUP, INC.,
a Pennsylvania Corporation; HCSG WEST
LLC, a New Jersey Limited Liability
Company; KOA HOLDINGS, LLC, a
California Limited Liability Company d/b/a
COTTONWOOD CANYON
HEALTHCARE CENTER; and DOES 1-10,
inclusive,

Defendants.

Case No.: RG21100855

ASSIGNED FOR ALL PURPOSES TO
THE HON. EUMI LEE

(Signature)
AMENDED SUPPLEMENTAL
[PROPOSED] ORDER GRANTING
APPROVAL OF PAGA SETTLEMENT
AND JUDGMENT

Date: January 23, 2023

Time: 3:00 p.m.

Department: 512

FILED
ALAMEDA COUNTY

JAN 27 2023

CLERK OF THE SUPERIOR COURT
By *(Signature)* Deputy

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*Attorneys for Plaintiffs Donovan Foxx, Byron Bryant,
and Yolanda Carbajal on behalf of themselves, the
State of California, and all Aggrieved Employees*

1 The Parties have filed a Motion to Approve Settlement Pursuant to the Private Attorneys
2 General Act of 2004. The Court has reviewed the materials and information submitted by the
3 Parties, and HEREBY ORDERS, ADJUDGES, and DECREES as follows:

4 1. Plaintiffs in this Action, Donovan Foxx, Byron Bryant, and Yolanda Carbajal
5 (collectively, "Plaintiffs"), and Defendants Healthcare Services Group, Inc., HCSG West LLC, and
6 KOA Holdings, LLC d/b/a Cottonwood Canyon Healthcare Center (collectively, "Defendants"),
7 have agreed to a Settlement Agreement and Release of Claims – Private Attorneys General Act (the
8 "Settlement Agreement" or the "Settlement") that resolves the pending claims under the California
9 Labor Code Private Attorneys General Act of 2004 ("PAGA"). All defined terms contained herein
10 shall have the same meanings as set forth in the Settlement Agreement.

11 2. The Court hereby grants approval of the Settlement based on the terms set forth
12 therein, except as modified in this Order and Judgment.

13 3. The Settlement Agreement was executed by Plaintiff, Plaintiff's counsel, Defendants,
14 and Defendants' counsel. The Court finds that the Settlement is entitled to judicial approval and
15 meets all of the requirements for approval of a settlement under the PAGA, including that the Parties
16 complied with Cal. Lab. Code § 2699(l)(2) by submitting a copy of the Settlement Agreement to
17 the California Labor and Workforce Development Agency ("LWDA").

18 4. Pursuant to Cal. Lab. Code § 2699(l)(2), the Court has reviewed the Settlement and
19 finds the settlement of PAGA claims described therein to be fair, adequate and reasonable. The
20 Court also finds that the LWDA has not objected to the terms of the Settlement. The Court further
21 finds that no other objection to the Settlement has been received by the Court.

22 5. The Court approves and confirms the release and waiver of claims as provided for in
23 the Settlement Agreement. Pursuant to the California Supreme Court decision in *Arias v. Superior*
24 *Court* (2009) 46 Cal.4th 969, 986, "with respect to the recovery of civil penalties, nonparty
25 employees as well as the government [i.e., the State of California] are bound by the judgment in an
26 action brought under the [PAGA]" As defined in the Settlement Agreement, the non-party
27 employees who are covered and bound by this Settlement and its waiver and release provisions are
28 all non-exempt, hourly employees of Defendants employed in California from December 28, 2019,

1 through January 31, 2022.

2 6. The Court approves \$630,000 in attorneys' fees, \$23,930.80 in attorneys' costs, a
3 Service Award of \$10,000 to each named Plaintiff, and administration costs of \$24,000. Ten percent
4 (10%) of the attorneys' fees are to be kept in the administrator's trust fund until the completion of
5 the distribution process and Court approval of the final accounting, which is complete as of the date
6 of this Order. The Court approves Phoenix Class Action Administration Solutions as the settlement
7 administrator.

8 7. The Court orders that the Settlement shall be effectuated according to its terms. As
9 provided for in the Settlement Agreement, the settlement funds shall be tendered by Defendants to
10 the agreed-upon settlement administrator within twenty (20) calendar days after both the Effective
11 date in this action or similar effective date in *Gonzales v. Healthcare Services Group, Inc., et al.*,
12 San Francisco County Superior Court Case No. CGC-18-570988 (the "Gonzales Action"),
13 whichever date is later.

14 8. The Settlement is not an admission by Defendants, nor is this Order a finding of the
15 validity of any allegations or of any wrongdoing by Defendants. Neither this Order, the Settlement
16 Agreement, nor any document referred to herein, nor any action taken to carry out the Settlement,
17 may be construed as, or may be used as, an admission of any fault, wrongdoing, omission,
18 concession, or liability whatsoever by or against Defendants.

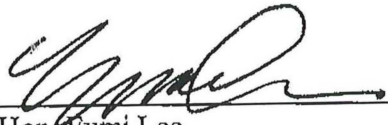
19 9. The Court shall retain continuing jurisdiction over the Parties to this action to ensure
20 effectuation of the Settlement in accordance with the terms of the Settlement and this Order.

21 10. Plaintiffs shall submit a copy of this Order to the LWDA within ten (10) days of entry
22 of this Order.

23 11. Phoenix Class Action Administration Solutions shall distribute all unclaimed
24 settlement funds to the California State Controller's Office – Unclaimed Property Fund by January
25 1, 2024.

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2 **IT IS SO ORDERED. LET JUDGMENT BE ENTERED ACCORDINGLY.**
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5 Dated: 1/27/2024


6 Hon. Eumi Lee
7 JUDGE OF THE SUPERIOR COURT
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