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and Proposed Class Counsel

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

JORDYN TERRY, on behalf of herself and
on behalf of all similarly situated
individuals,

Plaintiff,

v.

PHYSICIANS' SURGERY CENTER OF
MODESTO, INC., a California
corporation, d/b/a RIVER SURGICAL
INSTITUTE, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: CV-21-001716

Assigned to the Honorable Stacy Speiller, Dept. 22

CLASS ACTION

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

DATE: June 3, 2022

TIME: 8:30 a.m.

DEPT.: 22

Action Filed: April 1, 2021

Plaintiff Jordyn Terry's ("Plaintiff") Unopposed Motion for Preliminary Approval of Class Action Settlement came on for hearing before this Court in Department 22, Judge Stacy Speiller presiding, on June 3, 2022. The Court, having considered the papers submitted in support of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

1. The Court grants preliminary approval of the settlement based upon the terms set forth in the Joint Stipulation of Class Action Settlement ("Settlement") filed with the Court. The settlement appears to be fair, adequate, and reasonable to the Class;

1 2. The Court finds that the settlement falls within the range of reasonableness and
2 appears to be presumptively valid, subject only to any objections that may be raised at the final
3 hearing;

4 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
5 Class Action Settlement and Final Hearing ("Notice") and the Request for Exclusion form, and also
6 approves the procedure for members of the Class to object to the settlement set forth in the Notice;

7 4. The Court directs the mailing of the Notice and Request for Exclusion form by first
8 class mail to the Settlement Class Members in accordance with the schedule set forth below. The
9 Court finds that the dates selected for the mailing and distribution of the Notice and Request for
10 Exclusion form, as set forth herein, meet the requirements of due process and provide the best
11 notice practicable under the circumstances and shall constitute due and sufficient notice to all
12 persons entitled thereto;

13 5. It is ordered that the Settlement Class is preliminarily certified for settlement
14 purposes only. The Settlement Class is defined as follows: any person who was employed by
15 Defendant in California as a non-exempt employee during the period April 1, 2017 through
16 December 21, 2021;

17 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
18 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
19 of up to 35% of the Gross Settlement Amount (or \$65,625) and documented litigation costs of up
20 to \$10,000 to Class Counsel, subject to final approval by the Court following a further motion by
21 Class Counsel;

22 7. The Court approves and appoints Plaintiff Jordyn Terry as the Class Representative
23 and grants preliminary approval to a proposed General Release Payment in an amount not to exceed
24 \$7,500;

25 8. The Court grants preliminary approval of the allocation of \$18,750 to penalties
26 under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$14,062.50)
27 shall be paid to the LWDA and 25% (\$4,687.50) to be distributed to PAGA Members as part of the
28 Settlement;

1 9. The Court hereby approves and appoints Simpluris, Inc. as the Settlement
2 Administrator and grants preliminary approval of the payment of fees and other charges of the
3 Settlement Administrator in an amount not to exceed \$4,000; and

4 10. The Court orders the following schedule of dates for the specified actions/further
5 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator an updated list containing names, social security numbers, dates of employment, weeks worked based on Defendant's payroll records, and last-known mailing addresses for each member of the Class and PAGA Members	21 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Request for Exclusion form to Class Members	30 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Class Members to submit a written Request for Exclusion form to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Members to submit an Objection to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days before the final settlement approval hearing date
Final settlement approval hearing	_____, 2022, at _____m. (approximately 95 days after entry of this Order)

23 **IT IS SO ORDERED.**

24
25 Dated: _____

26 JUDGE OF THE SUPERIOR COURT