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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

SHERIE PICOU, an individual, on behalf
herself, the State of California, as a private
attorney general, and on behalf of all others
similarly situated,

Plaintiff,

v.

DIRECT URGENT CARE, INC., a
California Corporation; CARBON HEALTH
MEDICAL GROUP, INC., a California
Corporation; and DOES 1 TO 50,

Defendants.

Case No.: CGC-21-589539

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

Date: October 24, 2023
Time: 9:00 a.m.
Dept.: 304
Judge: Hon. Ethan P. Schulman

Complaint Filed: February 3, 2021
FAC Filed: April 13, 2021
Trial Date: None Set

1 Plaintiff's unopposed Motion for Preliminary Approval of a Class Action Settlement came
2 before this Court on October 24, 2023, in Department 304, the Honorable Ethan P. Schulman
3 presiding. The Court having considered the papers submitted in support of the application of the
4 parties, HEREBY ORDERS THE FOLLOWING:

5 1. The Court grants preliminary approval of the Settlement and the Settlement Class
6 based upon the terms set forth in the Settlement Agreement and Release of Class Action (the
7 "Settlement Agreement") attached as **Exhibit A** to the Declaration of Jonathan Melmed in support
8 of Plaintiff's Motion for Order Granting Preliminary Approval of Class Action Settlement. All
9 terms used herein shall have the same meaning as defined in the Settlement Agreement. The
10 settlement set forth in the Settlement Agreement appears to be fair, adequate and reasonable to
11 the Class, and the Court preliminarily approves the terms of the Settlement Agreement, including,
12 without limitation:

- 13 a. A non-reversionary Gross Settlement Amount of **\$1,000,000.00**;
- 14 b. Court approved attorneys' fees to Class Counsel of up to **\$333,333.33**,
15 representing one-third of the Gross Settlement Amount;
- 16 c. Court approved litigation costs to Class Counsel of up to **\$20,000.00**;
- 17 d. Fees and Costs of the Settlement Administrator of up to **\$30,000.00**; and
- 18 e. A PAGA allocation of \$100,000.00, with **\$75,000.00** (i.e., 75%) payable to
19 the California Labor & Workforce Development Agency for its portion of
20 the PAGA penalties.

21 2. This Court has considered the papers in support of the Motion and the Settlement
22 Agreement and finds that pursuant to California Rules of Court, Rule 3.769(d), the proposed Class
23 should be certified for settlement purposes only. Specifically, the Court finds for settlement
24 purposes only that the proposed Class: (a) is ascertainable; (b) is sufficiently numerous; (c) meets
25 the commonality requirements; (d) the claims of the Class Representative are typical of the claims
26 of the proposed Class Members; (e) Class Representative's counsel has and is able to adequately
27 represent the proposed Class; (f) the Class Representative is adequate to represent the Class; and
28 (g) class-wide treatment of this dispute is superior to individual litigation because common issues

predominate over individual issues for settlement purposes.

3. The Settlement falls within the range of reasonableness and appears to be presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.

4. A final fairness hearing on the question of whether the proposed Settlement, attorneys' fees and costs to Class Counsel, and the Class Representative's enhancement award should be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled on the date and time set forth in the implementation schedule in Paragraph 13 below.

5. This Court approves, as to form and content, the Notice of Proposed Class Action ("Class Notice"), in substantially the form attached to the Settlement Agreement as **Exhibit 1**. The Court approves the procedure for Class Members to participate in, to opt out of, and to object to, the Settlement as set forth in the Settlement Agreement.

6. The Court directs the mailing of the Class Notice by first class mail to the Class Members in accordance with the Implementation Schedule set forth below. The Court finds the dates selected for the mailing and distribution of the Notice, as set forth in the Implementation Schedule, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

7. It is ordered that the Settlement Class is preliminarily certified for settlement purposes only.

8. The Court preliminarily certifies for settlement purposes only the Settlement Class defined as follows: *all current and former non-exempt employees of Carbon Health Medical Group of Florida, P.A., who worked for Direct Urgent Care, Inc. and/or Carbon Health Medical Group, Inc. in California any time or times during the Class Period*. The Class Period is defined as the period of time from February 8, 2017 through the date of preliminary approval of the parties' settlement agreement.

9. The Court preliminarily confirms Plaintiff Sherie Picou as the Class Representative.

10. The Court preliminarily approves Jonathan Melmed and Laura Supanich of

Melmed Law Group P.C. as Class Counsel.

11. The Court appoints ILYM Group, Inc. as the Settlement Administrator.

12. To facilitate administration of the Settlement pending final approval, the Court hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative proceedings (including filing claims with the Division of Labor Standards Enforcement of the California Department of Industrial Relations) regarding claims released by the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator and the time for filing claims with the Settlement Administrator has elapsed.

13. The Court orders the following **Implementation Schedule** for further proceedings:

a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	[within 30 calendar days after the Preliminary Approval Date]
b.	Deadline for Settlement Administrator to Mail Notice to Class Members	[within 10 days following receipt of the Class List]
c.	Deadline for Class Members to Postmark Requests for Exclusion	[45 days after mailing of the Class Notice]
d.	Deadline for Class Members to submit any Objections to Settlement	[45 days after mailing of the Class Notice]
e.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	[21 days prior to Final Approval and Fairness Hearing]
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days prior to Final Approval and Fairness Hearing]
g.	Final Approval and Fairness Hearing (the Court's first available date after March 15, 2024)	_____, 2024 at _____ a.m./p.m.

1 14. If any of the dates in this Implementation Schedule falls on a weekend, bank or
2 court holiday, the time to act shall be extended to the next business day.

3 15. The Court shall retain jurisdiction over the Action for all purposes pursuant to
4 California Rule of Court, Rule 3.769 and California Rule of Civil Procedure section 664.6 to
5 enforce the terms of the Settlement.

6 **IT IS SO ORDERED.**

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8 Dated: _____

9 Hon. Ethan P. Schulman
10 Judge of the Superior Court, San Francisco County
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