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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

NORMAJEAN FERLAND, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

COMPREHENSIVE SPINE AND SPORTS
CENTER, an unknown corporation; and DOES 1
through 10, inclusive,

Defendants.

Case No.: 21CV375218

CLASS ACTION

[Assigned for all purposes to: Hon. Sunil R.
Kulkarni, Dept. 1]

**[PROPOSED] ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND JUDGMENT**

FINAL APPROVAL HEARING

Date: January 12, 2023

Time: 1:30 p.m.

Dept: 1

1 This matter coming before the Court on Plaintiff NormaJean Ferland's ("Plaintiff")
2 Motion for Final Approval of Class Action Settlement (the "Final Approval Motion"), and after
3 review and consideration of the parties' fully-executed Stipulation of Settlement and Addendum
4 to Joint Stipulation Re: Class Settlement (collectively, the "Settlement" or "Settlement
5 Agreement") and the papers in support of the Final Approval Motion, due and adequate notice
6 having been given to the Class, and the Court having reviewed and considered the Settlement,
7 all papers filed, the record, proceedings in the above-entitled action ("Litigation" or "Action"),
8 and all oral and written comments received regarding the Settlement, and good cause appearing
9 therefor,

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

11 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
12 Settlement filed in this case.

13 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiff, all
14 members of the Settlement Class, and Defendant Navani Pain Management Inc dba Comprehensive
15 Spine and Sports Center ("Defendant").

16 3. The Court finds that the Settlement appears to have been made and entered into in
17 good faith and hereby approves the settlement subject to the limitations on the requested fees and
18 enhancements as set forth below.

19 4. Plaintiff and all Participating Class Members shall have, by operation of this Final
20 Order and Judgment, fully, finally, and forever released, relinquished, and discharged Defendant
21 and the Released Parties from all released claims as set forth in the Settlement.

22 5. Plaintiff, the State of California, and all Participating PAGA Members shall have,
23 by operation of this Final Order and Judgment, fully, finally, and forever released, relinquished,
24 and discharged Defendant and the Released Parties from all released PAGA claims as set forth in
25 the Settlement.

26 6. The Parties shall bear their own respective attorneys' fees and costs, except as
27 otherwise provided for in the Settlement and approved by the Court.

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1 7. Solely for purposes of effectuating the settlement, the Court finally certified the
2 following Class: “All persons who worked for Defendant in California as an hourly-paid or non-
3 exempt employee during the Settlement Period.”

4 8. The Settlement Period is January 14, 2017 through September 26, 2021.

5 9. The PAGA Period is January 19, 2020 through September 26, 2021.

6 10. No Settlement Class Members have objected to the terms of the Settlement.

7 11. No Settlement Class Members have requested exclusion from the Settlement.

8 12. The Notice provided to the Class conforms with the requirements of California
9 Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the circumstances,
10 by providing individual notice to all Class Members who could be identified through reasonable
11 effort, and by providing due and adequate notice of the proceedings and of the matters set forth
12 therein to the Class Members. The Notice fully satisfies the requirements of due process.

13 13. The Court finds the Settlement Amount, the Net Settlement Amount, and the
14 methodology used to calculate and pay the Net Settlement Payments to each Participating Class
15 Member are fair and reasonable and authorizes the Settlement Administrator to pay the Net
16 Settlement Payments to the Participating Class Members in accordance with the terms of the
17 Stipulation.

18 14. The Court approves the Settlement and finds that it is fair, reasonable, and adequate,
19 and worthy of final approval.

20 15. The Court also finds the PAGA Settlement is fair and reasonable, and that Plaintiff
21 provided notice of the proposed Settlement to the Labor and Workforce Development Agency
22 (LWDA) and will fully and adequately comply with the notice requirements of California Labor
23 Code section 2699(1). The Court hereby approves the PAGA Settlement.

24 16. Defendant shall pay the total of \$324,658.62 to resolve this litigation. No later than
25 thirty (30) calendar days following the date on which the Court’s Final Approval Order becomes
26 “Final,” Defendant shall deposit this amount and employer taxes into an account established by
27 the Settlement Administrator. Thereafter, compensation to the Participating Class Members shall
28 be disbursed pursuant to the terms of the Settlement (i.e., within twenty-one (21) calendar days

1 following the Order granting Final Approval of the Settlement.

2 (a) From the Settlement Amount, \$7,500.00 shall be paid to the California Labor
3 and Workforce Development Agency, representing approximately 75% of
4 the penalties awarded under the terms of the Settlement Agreement pursuant
5 to the Labor Code Private Attorneys General Act of 2004, California Labor
6 Code section 2698, *et seq.*

7 (b) From the Settlement Amount, \$7,500.00 shall be paid to the named Plaintiff,
8 NormaJean Ferland for her service as class representative and for her
9 agreement to release claims.

10 (c) From the Settlement Amount, \$9,765.00 shall be paid to the Settlement
11 Administrator, ILYM Group, Inc.

12 17. The Court finds that Los Angeles Trial Lawyers' Charities is approved as the
13 designed *cy pres* beneficiary and shall receive unpaid residue in accordance with the terms of the
14 Settlement Agreement.

15 18. The Court hereby confirms Justin F. Marquez, Benjamin H. Haber, and Arrash T.
16 Fattahi of Wilshire Law Firm, PLC as Class Counsel.

17 19. From the Settlement Amount, Class Counsel is awarded \$103,333.33 for their
18 reasonable attorneys' fees and \$13,282.97 for their reasonable costs incurred in the Action. The
19 fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds
20 that the fees are reasonable in light of the benefit provided to the Class.

21 20. Notice of entry of this Final Approval Order and Judgment shall be given to Class
22 Members by posting a copy of the Final Approval Order and Judgment on ILYM Group, Inc.'s
23 website for a period of at least sixty (60) calendar days after the date of entry of this Final Approval
24 Order and Judgment.

25 21. Without affecting the finality of this Final Judgment in any way, this Court retains
26 continuing jurisdiction over the implementation, interpretation, and enforcement of the Settlement
27 with respect to all Parties to this action, and their counsel of record.

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1 22. Plaintiff’s Motion for Final Approval of Class Action Settlement is hereby granted
2 and the Court directs that judgment shall be entered in accordance with the terms of this Order.

3 **IT IS SO ORDERED.**

4
5
6 DATE: _____

7 Hon. Sunil R. Kulkarni
8 Judge of the Santa Clara County Superior
9 Court

Ferland v. Comprehensive Spine and Sports Center, et al.
21CV375218

I, Ashley Narinyans, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is anarinyans@wilshirelawfirm.com.

On **December 19, 2022**, I served the foregoing **[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND JUDGMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Jason A. Weiss (SBN 185268)
jweiss@sheppardmullin.com
Molly M. Brooks (SBN 329247)
mbrooks@sheppardmullin.com
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
650 Town Center Drive, 10th Floor
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Attorneys for Defendant

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on **December 19, 2022**, at Los Angeles, California.


Signature