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Attorneys for Plaintiff Naomi Haqq
and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF EL DORADO

NAOMI HAQQ, on behalf of herself and
all "aggrieved employees" pursuant to
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

HAWTHORN SENIOR LIVING, LLC, a
Delaware limited liability company, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO: PC20210300

Assigned to the Honorable Dylan Sullivan, Dept. 9

**[PROPOSED] ORDER (1) GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND (2)
GRANTING LEAVE TO FILE FIRST
AMENDED COMPLAINT**

DATE: June 10, 2022

TIME: 8:30 a.m.

DEPT.: 9

Action Filed: June 9, 2021

1 Plaintiff Naomi Haqq's ("Plaintiff") Unopposed Motion for Preliminary Approval of Class
2 Action Settlement and for Leave to File First Amended Complaint came on for hearing before this
3 Court in Department 9, Judge Dylan Sullivan presiding, on June 10, 2022. The Court, having
4 considered the papers submitted in support of the motion and having heard oral argument of the
5 parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Class and Representative Action Settlement Agreement and Release of Claims
8 ("Settlement") filed with the Court. The settlement appears to be fair, adequate, and reasonable to
9 the Class;

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

13 3. The Court approves, as to form and content, the Notice of Class Action Settlement
14 and Hearing Date for Final Approval ("Notice"), and also approves the procedure for members of
15 the Class to opt-out from or object to the Settlement, as set forth in the Notice;

16 4. The Court directs the mailing of the Notice by first class mail to the Class Members
17 in accordance with the schedule set forth below. The Court finds that the dates selected for the
18 mailing and distribution of the Notice, as set forth herein, meet the requirements of due process and
19 provide the best notice practicable under the circumstances and shall constitute due and sufficient
20 notice to all persons entitled thereto;

21 5. It is ordered that the Settlement Class is preliminarily certified for settlement
22 purposes only. The Settlement Class is defined as follows: all non-exempt employees of Defendant
23 who performed work for Defendant in the State of California during the Settlement Period [June 9,
24 2017 through the earlier of (i) the date of preliminary approval or (ii) July 1, 2022];

25 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
26 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
27 of up to one-third of the Gross Settlement Amount (or \$283,333.33) and documented litigation
28 costs of up to \$15,000 to Class Counsel, subject to final approval by the Court following a further

1 motion by Class Counsel;

2 7. The Court approves and appoints Plaintiff Naomi Haqq as the Class Representative
3 and grants preliminary approval to a proposed Class Representative Service Award in an amount
4 not to exceed \$15,000;

5 8. The Court grants preliminary approval of the allocation of \$40,000 to penalties
6 under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$30,000)
7 shall be paid to the LWDA and 25% (\$10,000) shall become the PAGA Settlement Fund for
8 distribution to members of the PAGA Aggrieved Employee Group;

9 9. The Court hereby approves and appoints Simpluris, Inc. as the Settlement
10 Administrator and grants preliminary approval of the payment of fees and other charges of the
11 Settlement Administrator in an amount not to exceed \$20,000;

12 10. The Court grants Plaintiff leave to file the First Amended Class, Collective, and
13 Representative Action Complaint attached as Exhibit B to the Settlement, within five (5) court days
14 of the entry of this Order, and consents that Defendant is not required to file a responsive pleading
15 thereto;

16 11. The Court orders the following schedule of dates for the specified actions/further
17 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant shall provide to the Settlement Administrator a confidential class list containing, for each Class Member: (1) the name; (2) employee ID number; (3) last known address and telephone number; (4) number of Eligible Workweeks worked during the class, FLSA, and PAGA periods; and (5) social security number ("Class Data")	30 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice to Class Members	15 calendar days after Settlement Administrator's receipt of Class Data
Last day for Class Members to submit a written request for exclusion to the Settlement Administrator	60 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	60 calendar days after the initial mailing of the Class Notice to Class Members

<u>EVENT</u>	<u>TIMING</u>
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 120 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT