

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 195443 NAME: Matthew S. Da Vega FIRM NAME: Da Vega Fisher Mechtenberg LLP STREET ADDRESS: 232 E. Anapamu St. CITY: Santa Barbara STATE: CA ZIP CODE: 93101 TELEPHONE NO.: 805.232.4471 FAX NO.: 877.535.9358 E-MAIL ADDRESS: mdavega@mdmflaw.com ATTORNEY FOR (name): Plaintiff Joanna Magpiong	FOR COURT USE ONLY CASE NUMBER: 21-CIV-03038 JUDICIAL OFFICER: Hon. Marie S. Weiner
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Center MAILING ADDRESS: same CITY AND ZIP CODE: Redwood City 94063 BRANCH NAME: Souther Branch: Hall of Justice	
PLAINTIFF/PETITIONER: Joanna Magpiong DEFENDANT/RESPONDENT: CareLinx, Inc. OTHER:	DEPT: 2
PROPOSED ORDER (COVER SHEET)	

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Plaintiffs Joanna Magpiong
2. Title of the proposed order:
ORDER GRANTING PLAINTIFFS MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT and ATTORNEYS FEES
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: PLAINTIFFS MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT
 - b. Date and time: August 23, 2022 at 2 p.m.
 - c. Place: San Mateo County Superior Court, 400 County Center, Redwood City, CA 94063. (Dept 2 - Judge Marie S. Weiner)
4. The proposed order was served on the other parties in the case.

Matthew S. Da Vega

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:
Magpiong v. Carelinx, Inc.

CASE NUMBER:
21-CIV-03038

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action**.
 - a. My residence or business address is (*specify*):
232 E. Anapamu St., Santa Barbara, CA 93101
 - b. My electronic service address is (*specify*): mdavega@mdmflaw.com
2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:
 - a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):
Summer Wynn (Attorney for Defendant CareLinx, Inc.)
COOLEY LLP, 4401 Eastgate Mall, San Diego, CA 92121-1909
 - b. To (*electronic service address of person served*): swynn@cooley.com
 - c. On (*date*): August 1, 2022

☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

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

Date: August 1, 2022

Matthew S. Da Vega

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

Matthew S. Da Vega, SBN 195443
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Attorneys for Plaintiff and the Proposed Plaintiff Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

JOANNA MAGPIONG, on behalf of
herself and all others similarly situated,

Plaintiff,

vs.

CARELINX, INC., and DOES 1-100,
inclusive,
Defendants.

Case No.: 21-CIV-03038

CLASS ACTION

**[PROPOSED] JUDGMENT and ORDER
GRANTING PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS
SETTLEMENT and ATTORNEYS' FEES and
COSTS**

Assigned For All Purposes to the Honorable
Marie S. Weiner (Dept. 2)

Date: August 23, 2022
Time: 2:00 p.m.
Location: Dept. 2 (Hon. Marie S. Weiner)

Plaintiffs Joanna Magpiong ("Plaintiff"), individually, and on behalf of similarly situated persons, and Defendant CareLinx, Inc. ("Defendant" or "CareLinx")(or together with the Plaintiff, the "Parties") reached a class action settlement, upon the terms and conditions set forth in the Parties' Joint Stipulation of Class Action Settlement and Release ("Settlement Agreement"), a copy of which was attached as Exhibit 1 to the Declaration of Matthew S. Da Vega filed with the Court concurrently with Plaintiffs' Notice of Motion and Unopposed Motion for Preliminary Approval of Class Settlement ("Preliminary Approval").

On April 12, 2022, the Court issued its Order Granting Preliminary Approval of Class Settlement ("Preliminary Approval Order").

Due and adequate notice having been given to the Class Members, as defined below,

[PROPOSED] ORDER AND JUDGMENT RE FINAL APPROVAL OF CLASS SETTLEMENT

1 and the Court having considered Plaintiffs' Notice of Motion and Motion for Final Approval of
2 Class Action Settlement ("Motion") and the exhibits thereto, all papers filed and proceedings
3 had herein and any written objections/disputes received regarding the proposed Settlement, and
4 having reviewed the record in the Action, and good cause appearing,

5 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

6 **RECITALS**

7 1. On August 1, 2022, Plaintiffs filed an unopposed Motion for Final Approval of
8 Class Settlement, Class Representative Enhancement Award, Settlement Administrator Costs
9 and Class Counsel's Fees and Costs.

10 2. On August 23, 2022 the Court held a Final Approval/Fairness Hearing.

11 **FINDINGS**

12 3. **Fair, Adequate and Reasonable:** The Court finds that the Settlement is, in all
13 respects, fair, adequate, and reasonable. In making this finding, the Court considers the nature
14 of the claims and the risks inherent in such claims, the good result obtained, Defendant's
15 potential liability, and the fact that this settlement represents a compromise of the Parties'
16 respective positions rather than the result of a finding of liability at trial. The Court further
17 finds that the terms of the Settlement have no obvious deficiencies and do not improperly grant
18 preferential treatment to Plaintiff. Therefore, the Court finds that the Settlement was entered
19 into in good faith.

20 4. **Class Notice:** The Court additionally notes the significant benefits to the Class
21 Members under the Settlement Agreement, and finds that the distribution of the Class Notice of
22 Settlement to the Class Members as set forth in the Settlement Agreement has been completed
23 in conformity with the Settlement Agreement and order granting preliminary approval of the
24 Settlement. The Notice of Class Settlement provided adequate notice of the proceedings and
25 about the case, including the proposed settlement terms as set forth in the Settlement
26 Agreement. The Notice of Class Settlement fully satisfied due process requirements. The
27 Notice of Class Settlement was sent via first class U.S. Mail to all persons entitled to such
28 notice and to all Class Members. As executed, the Notice of Class Settlement was the best
notice practicable under the circumstances.

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5. The Court hereby **GRANTS FINAL APPROVAL** of the class settlement upon

6. **Class Definition:** The Court hereby certifies, for settlement purposes only, the

“All current and former Nurses who have worked at least one Nursing Shift in California through use of Defendant’s Nurse OnDemand platform application at any time during the Class Period.”

“Nurse” means a licensed healthcare professional who works as a Certified Nursing Assistant (“CNA”), Medical Assistant, Licensed Vocational Nurse (“LVN”), Licensed Practical Nurse (“LPN”), Registered Nurse (“RN”), and/or Nurse Practitioner (“NP”).

7. **Class Representative:** The Court hereby appoints Joanna Magpiong as Class Representative, for settlement purposes only.

8. **Class Counsel:** The Court hereby appoints Matthew S. Da Vega of Da Vega

9. **Implementation and Cy Pres:** The Court hereby orders the Parties to

10. **Release:** All Class Members who did not “Opt-Out” of the Settlement shall be

[PROPOSED] ORDER AND JUDGMENT RE FINAL APPROVAL OF CLASS SETTLEMENT

1 Class Representative Enhancement Awards in the amount of **\$10,000** to the Class
2 Representatives to be paid out of the Settlement Amount.

3 12. **Class Counsel Fees and Costs:** The Court hereby approves an award of
4 reasonable attorneys' fees to Class Counsel in the amount of **\$623,000** and reimbursement of
5 costs and expenses they incurred in this matter in the amount of **\$19,781** to be paid out of the
6 Gross Settlement Amount.

7 13. **Settlement Administrator Costs:** The Court hereby approves an award of
8 **\$21,000** for Settlement Administration costs to be paid out of the Gross Settlement Amount.

9 14. **PAGA Payments:** The Court hereby approves payment for civil penalties
10 under the Private Attorneys General Act of 2004 ("PAGA") in the amount of **\$170,000** (75% of
11 this amount [**\$127,500**] paid to the California Labor and Workforce Development Agency
12 ['LWDA'] and 25% to this amount [**\$42,500**] back to the PAGA group employees.

13 15. The Court notes that Defendant does not oppose these amounts, and finds these
14 amounts are fair and reasonable under the circumstances and under both the common fund
15 approach and lodestar approach.

16 16. A Compliance Hearing will be held on _____.

17 17. A Compliance Status report shall be filed and served by _____.

18 **JUDGMENT**

19 18. This Judgment is intended to be a final disposition of this action in its entirety,
20 and is intended to be immediately appealable. Pursuant to Rule 3.769(h) of the California Rules
21 of Court, the Court retains jurisdiction over the Parties to enforce the terms of the Settlement
22 and this Judgment.

23 **IT IS SO ORDERED and JUDGMENT IS HEREBY ENTERED**

24
25 **DATED:** _____

26 By: _____
27 Honorable Marie S. Weiner
28 Judge of the Superior Court