

1. A judgment, decree, or order was entered in this action on *(date)*: August 23, 2022 (Judgment & Order re Final Approval of Class Settlement/Fees)
2. A copy of the judgment, decree, or order is attached to this notice.

(TYPE OR PRINT NAME OF	☒	ATTORNEY	☐	PARTY WITHOUT ATTORNEY)
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Matthew S. Dally
(SIGNATURE)

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9 Attorneys for Plaintiff and the Proposed Plaintiff Class

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN MATEO**

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

14 Plaintiff,

15 vs.

16 CARELINX, INC., and DOES 1-100,
17 inclusive,
18 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)

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

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

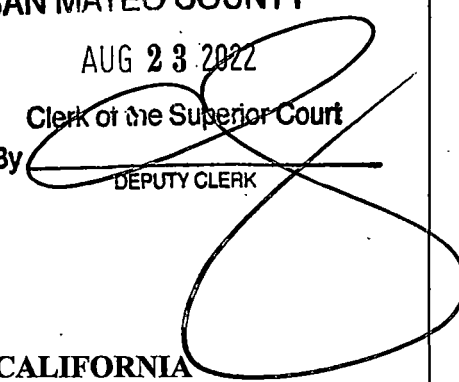
28 Due and adequate notice having been given to the Class Members, as defined below,

~~PROPOSED~~ ORDER AND JUDGMENT RE FINAL APPROVAL OF CLASS SETTLEMENT

FILED
SAN MATEO COUNTY

AUG 23 2022

Clerk of the Superior Court

By 
DEPUTY CLERK

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. *There were no objections or*
opposition to the Settlement or this motion. Only one
class member opted-out.
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.

ORDER

5. The Court hereby **GRANTS FINAL APPROVAL** of the class Settlement upon the terms and conditions set forth in the Settlement Agreement. ¹
of \$1,925,620

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

The settlement class is defined as:

"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."

The Settlement Class does not include class member of submit valid Requests for Exclusion (aka "Opt Outs")

"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").

"Class Period" is from June 3, 2017 through the date the Court grants preliminary approval [April 12, 2022]."

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 Fisher Mechtenberg LLP as Class Counsel, for settlement purposes only.

9. **Implementation and Cy Pres:** The Court hereby orders the Parties to implement the terms of the Settlement Agreement, and directs Defendant to disburse the funds pursuant to the terms of the Settlement and consistent with this Order and Judgment. All uncashed settlement checks and any residual amounts of the Settlement Fund returned to the Settlement Administrator, plus any accrued interest that has not otherwise been distributed pursuant to order of the Court, shall be distributed as follows: to the Legal Aid Society of San Mateo County, 330 Twin Dolphin Drive, Suite 123, Redwood City, CA 94065 (website: <https://www.legalaidsmc.org/>).

10. **Release:** All Class Members who did not "Opt-Out" of the Settlement shall be bound by the releases provided in the Settlement Agreement and Notice of Class Settlement.

11. **Class Representative Enhancement Award:** The Court hereby approves a

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 February 1, 2023

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. *Plaintiff shall file and serve formal Notice*

23 *of Entry of Judgment, including to LWDA.*
IT IS SO ORDERED and JUDGMENT IS HEREBY ENTERED

24
25 DATED: 8/23/22

26 By: 

Honorable Marie S. Weiner
Judge of the Superior Court

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I am employed in the County of Santa Barbara, State of California. I am over the age of 18 years and not a party to this action. My business address is 232 E. Anapamu St., Santa Barbara, CA 93101, and E-mail: Mdavega@mdmflaw.com. On August 24, 2022, at I served on the foregoing documents via E-mail described as:

SERVICE LIST

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**Attorney for Plaintiff's Counsel in
related case of *Manayon v. CareLinx,
Inc.*, Santa Clara County Superior Court
Case No. 21-CIV-05421**

San Mateo County Superior Court
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**Clerk of San Mateo County Superior
Court**

California Labor & Workforce Development
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Fax: (916) 653-6913
Online Portal: [https://www.dir.ca.gov/Private-
Attorneys-General-Act/Private-Attorneys-General-
Act.html](https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html)

Re PAGA Penalty Payments