

F Superior Court of California F
I County of Butte I
L MAY 17 2023 L
E D Sharif Elmallah, Clerk E
D *Veronica Gonzalez* D

1 Scott Edward Cole, Esq. (S.B. #160744)
2 Laura Grace Van Note, Esq. (S.B. #310160)
3 Cody Alexander Bolce, Esq. (S.B. #322725)
4 Elizabeth Ruth Klos, Esq. (S.B. #346781)
5 **COLE & VAN NOTE**
6 555 12th Street, Suite 1725
7 Oakland, California 94607
8 Telephone: (510) 891-9800
9 Facsimile: (510) 891-7030
10 Email: sec@colevannote.com
11 Email: lvn@colevannote.com
12 Email: cab@colevannote.com
13 Email: erk@colevannote.com
14 Web: www.colevannote.com

15 Attorneys for Representative Plaintiff

16 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **IN AND FOR THE COUNTY OF BUTTE**

18 VERONICA GONZALEZ individually,
19 and on behalf of all others similarly
20 situated,

21 Plaintiff,

22 vs.

23 SIERRA HEALTH AND WELLNESS
24 CENTERS, LLC, and DOES 1 through
25 100, inclusive,

26 Defendants.

27 **Case No. 21CV01932**

28 **CLASS ACTION**

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: April 26, 2023

Time: 9:00 a.m.

Dept.: 6

29 This matter, having come before the Superior Court of the State of California, in and for
30 the County of Butte, at 9:00 a.m. on April 26, 2023, with Cole & Van Note appearing as counsel
31 for Representative Plaintiff Veronica Gonzalez, individually, and on behalf of the Plaintiff Class,
32 and Rediger Labor Law, LLP, appearing as counsel for Defendant Sierra Health and Wellness
33 Centers, LLC, and Does 1 through 100 ("Sierra" or "Defendant"). The Court, having carefully
34 considered the briefs, argument of counsel and all matters presented to the Court and good cause

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 1725
OAKLAND, CA 94607
TEL: (510) 891-9800

1 appearing, hereby GRANTS Plaintiff's Motion for Preliminary Approval of Class Action
2 Settlement.

3 **IT IS HEREBY ORDERED THAT:**

4 1. The Court grants preliminarily approval of the Settlement and preliminary finds
5 that: (1) the Settlement is fair and reasonable to the Class when balanced against the possible risks
6 of further litigation, including issues relating to class certification, liability, calculating damages,
7 and potential appeals; (2) significant investigation, research, and litigation have been conducted,
8 such that the Parties are able to fairly evaluate their respective positions; (3) settlement at this time
9 will avoid the substantial cost, delay and risk presented by litigation of the action; and (4) the
10 Settlement was reached after serious, informed, and non-collusive negotiations, which were
11 conducted at arms' length by experienced counsel.

12 2. This Order incorporates by reference all defined terms as set forth in the Settlement
13 Agreement entitled "Settlement Agreement and Release of Claims," attached as Exhibit "A" to the
14 Declaration of Scott Cole, Esq. in Support of Plaintiff's Motion for Preliminary Approval of Class
15 Action Settlement ("Cole Decl.").

16 3. The Court finds, for settlement purposes only, that the proposed Plaintiff Class
17 meets the requirements of numerosity, commonality, and typicality to justify certification, and that
18 there is adequate and fair representation.

19 4. The Court grants provisional certification of the Plaintiff Class, for settlement
20 purposes only, which is defined in the Settlement Agreement as all current and former non-exempt
21 employees who worked at any time for Defendant Sierra Health and Wellness Centers LLC in
22 California on or after July 30, 2017.

23 5. The Settlement Class includes all persons who are members of the Plaintiff Class
24 and who have not properly and timely opted out of the litigation in accordance with the
25 requirements set forth in the Class Notice and Settlement agreement.

26 6. Class Members who wish to request exclusion from or object to the Settlement must
27 follow the procedures set forth in the Settlement Agreement and Class Notice.

1 7. The Court approves the appointment of Plaintiff Veronica Gonzalez as Class
2 Representative.

3 8. The Court approves the appointment of Plaintiff's Counsel from Cole & Van Note
4 as Class Counsel.

5 9. The Court finds that the Settlement of claims under the PAGA as reflected in the
6 Settlement Agreement to be fair and reasonable and in compliance with all the requirements of
7 California law.

8 10. The Court approves the form and content of the Notice of Class Action Settlement,
9 in substantially the form attached to the Cole Decl. as "Exhibit B" and finds that the proposed
10 method of disseminating the Class Notice meets all the due process requirements; provides the
11 best notice practicable under the circumstances; constitutes notice that is reasonably calculated,
12 under the circumstances, to apprise Class Members of the pendency of Action and their right to
13 exclude themselves from or object to the proposed Settlement and to appeal at the Final Approval
14 Hearing; is reasonable and constitutes due, adequate, and sufficient notice to all Class Members;
15 and meets all applicable requirements under California law, due process, and any other applicable
16 rules or law.

17 11. The Court preliminarily approves the definition of the Gross Settlement Fund of
18 \$550,000.00, which is inclusive of (1) all Individual Settlement Payments to participating
19 Settlement Class Members; (2) the Service Award to the Class Representative Veronica Gonzalez,
20 not to exceed \$11,000.00; (3) Class Counsel's Attorney Fees and Expenses, not to exceed
21 \$192,500.00 in fees, plus litigation costs and expenses actually incurred; (4) Settlement
22 Administration Expenses actually incurred; and (5) the PAGA payment of \$10,000.00, of which
23 \$7,500.00 will be made to the LWDA.

24 12. The Court approves the retention of CPT as the Settlement Administrator, to be
25 paid out of the gross Settlement Amount, and hereby directs CPT to provide the approved Class
26 Notice to Class Members and administer the Settlement in accordance with the procedures set forth
27 in the Settlement Agreement and Implementation Schedule set forth below.
28

13. In the event the Settlement does not become effective in accordance with the terms of the Settlement Agreement, or the Settlement is not finally approved by this Court, is not approved in whole or in part by the Court or any appellate court and/or other court of review, or is terminated, cancelled or fails to become effective for any reason, this Order shall be rendered null and void and shall be vacated, the Parties shall revert to their respective positions as of the commencement of the litigation, and the Settlement Agreement and the fact that it was entered into shall not be offered, received, or construed as an admission or as evidence for any purpose, including but not limited to an admission by any Party of liability or non-liability or of the certifiability of a litigation class or the appropriateness of maintaining a representative action.

15. The Court hereby imposes a stay on all litigation of the Action pending the Final Approval Hearing and prohibits Plaintiff from instituting, commencing, or prosecuting any claims covered by the Action against Defendants or the Releasees pending the Final Approval Hearing.

16. The Court Orders the following implementation schedule for further proceedings:

Deadline for Sierra Health and Wellness Centers, LLC to provide the Settlement Administrator with the following data for each Class Member: the first and last name, the last known addresses, the social security number, and the number of Compensable Pay Periods that each member of the Plaintiff Class worked for Defendant during the Settlement Period.	No later than <u>2 business days</u> after Court entering the Preliminary Approval Order
Deadline for Settlement Administrator to mail the Class Notice to Class Members	Within <u>5 business days</u> of the Court entering the Preliminary Approval Order and provides authorization to send the Class Notices
Deadline for Class Members to submit a Request for Exclusion or written objection to the Settlement	Within <u>30 days</u> of the postmark date of the Notice
Deadline for the Settlement Administrator to provide a due diligence declaration	At least <u>5 calendar days</u> before the Final Approval Hearing
Deadline for Class Counsel to file Plaintiff's Motion for Final Approval of Class Action Settlement and Award of Attorneys' Fees and Costs and Class Representative Service Award	At least <u>16 court days</u> before the Final Approval Hearing

1 The Court hereby sets a hearing date for Plaintiff Veronica Gonzalez's Motion for Final
2 approval of Class and Representative Action Settlement and Award of Attorney's Fees, Costs and
3 Class Representative Service Award on: August 16, 2023 at 9:00^{am} in Department 6 of this
4 Court.

5
6 **IT IS SO ORDERED.**

7
8 Dated: 5/17/2023

By: 

Judge of the Superior Court
TAMARA L. MOSBARGER

COLE & VAN NOTE
ATTORNEYS AT LAW
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OAKLAND, CA 94607
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