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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF SAN FRANCISCO**

14 BIANCA CURRY, on behalf of herself and on
15 behalf of all persons similarly situated,

16 Plaintiff,

17 vs.

18 MXB BATTERY OPERATIONS, LP, a
19 Limited Partnership; and DOES 1 through 50,
20 inclusive,

21 Defendants.

Case No. **CGC-21-597339**

[Consolidated with Case No. CGC-22-598120]

**[PROPOSED] ORDER GRANTING
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: January 14, 2025

Hearing Time: 9:00 a.m.

Judge: Hon. Curtis E. A. Karnow

Dept.: 611

Action Filed: December 28, 2021

Trial Date: Not set

22
23 On January 14, 2025, a hearing was held on the motion of Plaintiff Bianca Curry
24 (“Plaintiff”) for final approval of the Class Action and PAGA Action Settlement Agreement (the
25 “Agreement”) with Defendants United Health Care Staffing, Inc. and On-Call Therapists, Inc.
26 (“Defendants”) and payments to the Plaintiff, Class Counsel, Aggrieved Employees, the Labor
27 and Workforce Development Agency (“LWDA”) and the Administrator.
28

1 The parties have submitted their Agreement, which this Court preliminarily approved by
2 its August 20, 2024, order (“Preliminary Approval Order”). In accordance with the Preliminary
3 Approval Order, Class Members have been given notice of the terms of the Agreement and the
4 opportunity to comment on or object to it or to exclude themselves from its provisions.

5 Having received and considered the Settlement, the supporting papers filed by the parties,
6 and the evidence and argument received by the Court at the hearing before it entered the
7 Preliminary Approval Order and the final approval hearing on January 14, 2025, the Court grants
8 final approval of the Settlement, and HEREBY ORDERS as follows:

9 1. The certification of the Class is confirmed for the sole and exclusive purpose of
10 entering a settlement in this matter:

11 All individuals who were employed by Defendants in California and
12 classified as a non-exempt employee or alleged to have been misclassified
13 as an independent contractor at any time during the Class Period. The Class
Period is December 28, 2017 through February 4, 2023.

14 2. The Administrator received zero (0) valid requests for exclusion from the Class.

15 3. The Court confirms the appointment of Plaintiff as the Class Representative, and
16 Norman B. Blumenthal, Kyle R. Nordrehaug, and Aparajit Bhowmik of Blumenthal Nordrehaug
17 Bhowmik De Blouw LLP as Class Counsel for the Class.

18 4. Pursuant to the Preliminary Approval Order, a Court Approved Notice of Class
19 Action Settlement and Hearing Date for Final Court Approval (“Class Notice”) was sent to each
20 Class Member by first-class mail. These papers informed Class Members of the terms of the
21 Settlement, their right to receive an Individual Class Payment, their right to comment on or object
22 to the Settlement or to opt-out of the Settlement and pursue their own remedies, and their right to
23 appear in person or remotely or by counsel at the Final Approval Hearing and be heard regarding
24 final approval of the Settlement. Adequate periods of time were provided by each of these
25 procedures to provide notice of their rights and time for Class Members to act with respect to these
26 rights. No Class Member objected to the Settlement as part of this notice process or stated an
27 intent to appear at the final approval hearing.
28

1 5. The Court finds and determines that this notice procedure afforded adequate
2 protections to Class Members and provides the basis for the Court to make an informed decision
3 regarding approval of the Settlement based on the responses of Class Members. The Court finds
4 and determines that the Class Notice provided in this case was the best notice practicable and it
5 satisfied the requirements of law and due process.

6 6. For the reasons stated in the Preliminary Approval Order, the Court finds and
7 determines that the proposed Class, as defined in the definitions section of the Agreement and
8 Paragraph 1 herein, meets all the legal requirements for class certification, and it is hereby ordered
9 that the Class is finally approved and certified as a class for purposes of the Settlement.

10 7. The Court further finds and determines that the Gross Settlement Amount of Seven
11 Hundred Thousand Dollars (\$700,000) and the terms of the Settlement are fair, reasonable, and
12 adequate to the Class and to each Class Member. The Class Members who have not opted-out
13 will be bound by the Settlement. Aggrieved Employees (as defined in the Agreement as all
14 individuals who were employed by Defendants in California and classified as a non-exempt
15 employee or alleged to have been misclassified as an independent contractor at any time during
16 the PAGA Period which is August 27, 2020 through February 4, 2023 will be subject to the release
17 of the Released PAGA Claims as set forth in the Agreement, and will be sent an Individual PAGA
18 Payment, regardless of whether they opt-out of the Class. The Settlement is ordered finally
19 approved, and all terms and provisions of the Settlement should be and hereby are ordered to be
20 consummated.

21 8. The Court finds and determines that the Individual Class Payments to be paid to
22 the Participating Class Members, as provided for by the Agreement, are fair and reasonable. The
23 Court hereby grants final approval to and orders the payment of those amounts to be made to the
24 Participating Class Members out of the Net Settlement Amount in accordance with the Agreement.

25 9. Pursuant to the Labor Code Private Attorneys General Act ("PAGA"), Cal. Lab.
26 Code §§ 2699(1)(2), (1)(4), the LWDA has been given notice of the Settlement. Pursuant to PAGA,
27 on the date the parties filed the motion seeking approval of the Settlement with the Court, Plaintiff
28 served the LWDA with the motion which included a copy of the Agreement. The Court finds and

1 determines that the notice of the Settlement complied with the statutory requirements of PAGA.

2 10. The Court finds and determines that the resolution of the Released PAGA Claims
3 and the PAGA Penalties of Fifteen Thousand Dollars (\$15,000), which includes payment to the
4 LWDA of \$11,250 as its share of the settlement of civil penalties and the allocation of \$3,750 to
5 the Aggrieved Employees, in this case is fair, reasonable, and appropriate. The Court hereby
6 grants approval of the resolution of the PAGA claims and orders that the PAGA Penalties be paid
7 out of the Gross Settlement Amount in accordance with the Agreement.

8 11. The Court finds and determines that the fees and expenses of ILYM Group in
9 administrating the settlement, in the amount of \$12,990, are fair and reasonable. The Court hereby
10 grants final approval to such amount and orders that the payment of approximately that amount be
11 paid out of the Gross Settlement Amount in accordance with the Agreement.

12 12. In addition to any recovery that Plaintiff may receive from the Net Settlement
13 Amount and PAGA Penalties, and in recognition of the Plaintiff's efforts on behalf of the Class,
14 and the risks he undertook, the Court hereby approves the payment of the Class Representative
15 Service Payment to Plaintiff in the amount of \$7,500. The Class Representative Service Payment
16 shall be paid from the Gross Settlement Amount.

17 13. Pursuant to the authorities and argument presented to the Court, the Court approves
18 the payment of attorneys' fees to Class Counsel in the sum of \$233,333, plus costs and expenses
19 in the amount of \$15,320. Said amount shall be paid from the Gross Settlement Amount.

20 14. The parties are hereby ordered to comply with the terms of the Settlement.

21 15. Without affecting the finality of this order in any way, pursuant to California Code
22 of Civil Procedure section 664.6 the Court retains jurisdiction of all matters relating to the
23 interpretation, administration, implementation, effectuation, and enforcement of this order and the
24 Settlement.

25 **IT IS SO ORDERED.**

26 Dated: _____

27 _____
The Honorable Curtis E. A. Karnow Judge of
28 the Superior Court