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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

LOURDES NUNEZ, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

FATHERS OF ST. CHARLES d/b/a Villa
Scalabrini, an Illinois corporation; and DOES 1
through 100,

Defendants.

Case No. 21STCV29250

*[Case assigned for all purposes to the Hon.
William F. Highberger, Dept. SSC-10]*

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND FINAL
JUDGMENT**

Date: March 12, 2024

Time: 10:30 a.m.

Dept: SSC-10

Complaint Filed: August 9, 2021

Trial Date: None set

1 **~~PROPOSED~~ ORDER & JUDGMENT**

2 The Motion of Plaintiff Lourdes Nunez (“Plaintiff”) for Final Approval of Class Action
3 Settlement, Class Representative Service Award, and Attorneys’ Fees and Costs (“Final Approval
4 Motion”) came on regularly for hearing before this Court on March 12, 2024, at 10:30 a.m.,
5 pursuant to California Rule of Court 3.769 and this Court’s earlier Order Granting Preliminary
6 Approval of Class Action Settlement (“Preliminary Approval Order”). Having considered the
7 parties’ Stipulation of Settlement (“Settlement Agreement” or “Settlement”), and the documents
8 and evidence presented in support thereof, and recognizing the sharply disputed factual and legal
9 issues involved in this case, the risks of further prosecution, and the substantial benefits to be
10 received by the Settlement Class pursuant to the Settlement, the Court hereby makes a final ruling
11 that the Settlement is fair, reasonable, and adequate, and is the product of good faith, arm’s-length
12 negotiations between the parties. Good cause appearing therefor, the Court hereby GRANTS
13 Plaintiff’s Final Approval Motion and hereby ORDERS the following:

14 1. Final judgment is hereby entered in conformity with the Settlement Agreement
15 and this Final Approval Order.

16 2. The conditional class certification is hereby made final, and the Court thus
17 certifies, for purposes of the Settlement, the following Settlement Class:

18 All current and former non-exempt employees employed by Defendant
19 Fathers of St. Charles d/b/a Villa Scalabrini in California from August 9,
20 2017 through December 31, 2022 (the “Class Period”).

21 3. Plaintiff is hereby confirmed as Class Representative. Paul K. Haines and Sean M.
22 Blakely of Haines Law Group, APC are hereby confirmed as Class Counsel.

23 4. Notice was provided to Settlement Class members as set forth in the Settlement,
24 which was approved by the Court on October 25, 2023, and the notice process has been completed
25 in conformity with the Settlement and the Court’s Preliminary Approval Order. The Court finds
26 that said notice was the best notice practicable under the circumstances. The Class Notice
27 provided due and adequate notice of the proceedings and matters set forth therein, informed
28 Settlement Class members of their rights, and fully satisfied the requirements of California Code
of Civil Procedure § 1781(e), California Rule of Court 3.769, and due process.

1 5. The Court finds that no Settlement Class member objected to the Settlement, that
2 no Settlement Class member opted out of the Settlement, and that the 100% participation rate in
3 the Settlement supports final approval.

4 6. The Court hereby approves the settlement as set forth in the Settlement as fair,
5 reasonable, and adequate, and directs the parties to effectuate the Settlement according to its
6 terms.

7 7. For purposes of settlement only, the Court finds that: (a) the members of the
8 Settlement Class are ascertainable and so numerous that joinder of all members is impracticable;
9 (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined
10 community of interest among members of the Settlement Class with respect to the subject matter
11 of the litigation; (c) the claims of the Class Representative are typical of the claims of the
12 Settlement Class members; (d) the Class Representative has fairly and adequately protected the
13 interests of the Settlement Class members; (e) a class action is superior to other available methods
14 for an efficient adjudication of this controversy; and (f) Class Counsel are qualified to serve as
15 counsel for the Class Representative and the Settlement Class.

16 8. The Court finds that given the absence of objections to the Settlement, this Order
17 shall be considered final as of the date of entry.

18 9. The Court finds that the Individual Settlement Awards, as provided for in the
19 Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to
20 distribute the Individual Settlement Awards in conformity with the terms of the Settlement.

21 10. The Court orders Defendant Fathers of St. Charles d/b/a Villa Scalabrini
22 (“Defendant”) to deposit the Gross Settlement Amount of \$750,000.00 with the Settlement
23 Administrator, Phoenix Settlement Administrators, within thirty (30) calendar days of the
24 Effective Date.

25 11. The Court finds that a Service Award in the amount of \$7,500.00 to Plaintiff is
26 appropriate for Plaintiff’s risks undertaken and her service to the Settlement Class. The Court
27 finds that this payment is fair, reasonable, and adequate, and orders that the Settlement
28 Administrator make this payment in conformity with the terms of the Settlement.

1 12. The Court finds that attorneys’ fees in the amount of \$250,000.00 and litigation
2 costs of \$23,076.28 for Class Counsel are fair, reasonable, and adequate in light of the common
3 fund created by the Settlement, and orders that the Settlement Administrator distribute these
4 payments to Class Counsel in conformity with the terms of the Settlement.

5 13. The Court orders that the Settlement Administrator shall be paid \$9,750.00 from
6 the Gross Settlement Amount in conformity with the terms of the Settlement, for all of its work
7 done and to be done until the completion of this matter and finds that sum appropriate.

8 14. The Court finds that the payment to the California Labor & Workforce
9 Development Agency (“LWDA”) in the amount of \$30,000.00 for its share of the settlement of
10 Plaintiff’s representative claim under the PAGA is fair, reasonable, and adequate, and orders the
11 Settlement Administrator to distribute this payment to the LWDA in conformity with the terms
12 of the Settlement.

13 15. This Court orders that any settlement checks shall be negotiable for 180 calendar
14 days from the date of issuance of the check, and that any settlement checks that remain uncashed
15 after 180 days after they are mailed shall be distributed to the Controller of the State of California
16 to be held pursuant to the Unclaimed Property Law, California Civil Code § 1500 *et seq.*, in the
17 name of the Settlement Class member to whom the check was issued.

18 16. As of the Effective Date and upon Defendant’s complete funding of the Gross
19 Settlement Amount, Plaintiff and every member of the Settlement Class will fully release and
20 discharge Defendant, and all of its past and present officers, directors, shareholders, direct and/or
21 indirect owners, members, parents, trustees, fiduciaries, beneficiaries, subrogees, executors,
22 partners, joint employers, employees, predecessors, successors, assigns, affiliates, brother and
23 sister corporations, agents, principals, heirs, representatives, attorneys, insurers, accountants,
24 administrators, auditors, consultants, divisions, related companies, related entities, and all of their
25 respective successors and predecessors in interest, subsidiaries, affiliates, parents and attorneys,
26 and any individual or entity which could be liable for any of the Class Released Claims and/or
27 PAGA Released Claims, (collectively the “Released Parties”) as follows: Settlement Class
28 members will release all claims, demands, rights, liabilities and causes of action that were pled in

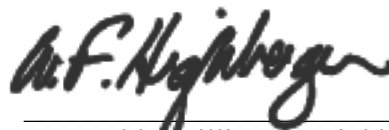
the Second Amended Class and Representative Action Complaint (“SAC”) that arose during the Class Period, including claims for: (a) failure to pay all minimum wages; (b) failure to pay all overtime wages; (c) failure to provide meal periods as required by law; (d) failure to authorize rest periods as required by law; (e) failure to provide accurate, itemized wage statements; (f) failure to pay all wages upon separation of employment or all final wages due; and (g) all claims for unfair business practices that could have been premised on the facts, claims, causes of action or legal theories described above (collectively, the “Class Released Claims”). The period of the Class Released Claims shall extend to the limits of the Class Period. In addition, all Settlement Class members who worked for Defendant in the State of California at any time from August 9, 2020, through December 31, 2022 (the “PAGA Period”), regardless if they opt out, shall forever completely release and discharge Defendant from all claims for civil penalties under PAGA arising during the PAGA Period as disclosed in Plaintiff’s Notification Letter to the Labor and Workforce Development Agency (“LWDA”) dated August 9, 2021 (collectively, “the PAGA Released Claims”).

17. This document shall constitute a final judgment pursuant to California Rule of Court 3.769(h), which provides, “If the court approves the settlement agreement after the final approval hearing, the court must make and enter judgment. The judgment must include a provision for the retention of the court’s jurisdiction over the parties to enforce the terms of the judgment. The court may not enter an order dismissing the action at the same time as, or after, entry of judgment.” The Court will retain jurisdiction to enforce the Settlement, the Final Approval Order, and this Judgment.

18. Plaintiff shall file a Final Disbursement Declaration on or before March ²⁰~~7~~, 2025. A Non-Appearance Case Review Re: Filing of Final Disbursement Declaration is set for 3/27, 2025 at 9AM.

IT IS SO ORDERED.

Dated: 3/12, 2024



Honorable William F. Highberger
Judge of the Superior Court