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

SARA ACEVEDO, and JESUS SOTO,
individually, and on behalf of all others similarly
situated,

Plaintiffs,

v.

DEANCO HEALTHCARE, LLC, a limited
liability company, and DOES 1 through 10,
inclusive,

Defendants.

Case No. 21STCV34724

*[Assigned for all purposes to Judge William
F. Highberger, Dept. 10]*

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

PRELIMINARY APPROVAL HEARING

Date: November 1, 2022

Time: 1:30 p.m.

Dept: 10

1 David S. Winston, Esq. (SBN 301667)

2 david@employmentlitigators.com

3 **WINSTON LAW GROUP, P.C.**

4 1880 Century Park East, Suite 511

5 Los Angeles, California 90067

6 Telephone: (424) 288-4568

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8 *Attorneys for Plaintiff Ronald Flores Nunfio*

1 The Court has before it Plaintiff Sara Acevedo's (who along with Plaintiff Ronald Flores
2 Nunfio in Los Angeles County Superior Court Case No. 21STCV02209 are referred to as
3 "Plaintiffs") Motion for Preliminary Approval of Class Action Settlement. Having reviewed
4 the Motion for Preliminary Approval of Class Action Settlement, the Declaration of Justin F.
5 Marquez, the Declaration of David S. Winston, the Joint Stipulation of Class Action and
6 Representative PAGA Settlement (which is referred herein as the "Settlement" or "Settlement
7 Agreement"), and good cause appearing, the Court hereby finds and orders as follows:

8 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
9 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
10 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
11 the terms set forth in the Settlement Agreement between Plaintiffs and Defendant Deanco
12 Healthcare, LLC ("Defendant"), attached to the Declaration of Justin F. Marquez in Support of
13 Plaintiffs' Motion for Preliminary Approval of Class Action Settlement as Exhibit 1.

14 2. The Settlement falls within the range of reasonableness of a settlement which
15 could ultimately be given final approval by this Court. The Court notes that Defendant has
16 agreed to create a common fund of \$2,350,000.00 to cover: (a) settlement payments to the class
17 members who do not validly opt out; (b) a \$100,000.00 payment to cover civil penalties pursuant
18 to the Private Attorneys General Act ("PAGA"), with 75% of which (\$75,000.00) being paid to
19 the State of California, Labor & Workforce Development Agency ("LWDA") for its share of
20 the settlement of claims for penalties and 25% (\$25,000.00) being paid to participating Class
21 Members; (c) the Class Representative service payment of up to \$10,000.00 for Plaintiff Sara
22 Acevedo; (d) the PAGA representative service payment of up to \$5,000.00 or Plaintiff Ronald
23 Flores Nunfio; (e) Class Counsel's attorneys' fees, not to exceed 33 1/3% of the Gross
24 Settlement Amount (\$783,333.33), and up to \$20,000.00 in costs for actual litigation expenses
25 incurred by Class Counsel; and (e) Settlement Administration Costs of up to \$30,000.00.

26 3. The Court preliminarily finds that the terms of the Settlement appear to be within
27 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
28 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair

1 and reasonable to the class members when balanced against the probable outcome of further
2 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
3 significant informal discovery, investigation, research, and litigation have been conducted such
4 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
5 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
6 by the further prosecution of the litigation; and (4) the proposed settlement has been reached as
7 the result of intensive, serious, and non-collusive negotiations between the Parties with the
8 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
9 that the Settlement Agreement was entered into in good faith.

10 4. A Final Fairness Hearing on the question of whether the proposed settlement,
11 attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement
12 of claims for penalties under PAGA, and the class representative's enhancement award should
13 be finally approved as fair, reasonable and adequate as to the members of the class is hereby set
14 in accordance with the Implementation Schedule set forth below.

15 5. The Court provisionally certifies for settlement purposes only the following class
16 (the "Settlement Class"): "all individuals who were employed by Deanco Healthcare, LLC as a
17 non-exempt hourly employee in California at any point between September 21, 2017 to June 8,
18 2022" (the "Class Members")."

19 6. The Settlement Period means the period from September 21, 2017 through the
20 date of Preliminary Approval of this Settlement.

21 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
22 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
23 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
24 of law and fact that are common, or of general interest, to all Settlement Class Members, which
25 predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the
26 Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect
27 the interests of the Settlement Class Members; and (5) a class action is superior to other
28 available methods for the fair and efficient adjudication of the controversy.

8. The Court appoints as Class Representatives, for settlement purposes only, Plaintiff Ronald Sara Acevedo. The Court appoints as PAGA Representatives, for settlement purposes only, Plaintiffs Ronald Flores Nunfio and Sara Acevedo. The Court preliminarily approves Plaintiff Sara Acevedo's ability to request an incentive award up to \$10,000.00. The Court further preliminarily approves Plaintiff Ronald Flores Nunfio's ability to request an incentive award up to \$5,000.00

9. The Court appoints, for settlement purposes only, David S. Winston of Winston Law Group, P.C. and Justin F. Marquez of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of the Total Settlement Amount (\$783,333.33), and costs not to exceed \$20,000.00.

10. The Court appoints ILYM Group, Inc. as the Settlement Administrator with reasonable administration costs estimated not to exceed \$30,000.00.

11. The Court approves, as to form and content, the Notice of Proposed Class Action Settlement, attached as **Exhibit A** to the Settlement Agreement. The Court finds, on a preliminary basis, that the plan for distribution of the Notice Packets to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

12. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

13. Any Class Member who does not timely and validly request exclusion from the Settlement may object to the Settlement Agreement.

14. The Court orders the following Implementation Schedule:

Defendant to provide Class List to the Settlement Administrator	14 Days After Preliminary Approval
Settlement Administrator to mail the Notice Packets	21 Days After Preliminary Approval
Response Deadline (Opt-out or Dispute Workweeks)	60 Days After Mailing of the Notice Packets

Deadline to Provide Written Objections, if any	60 Days After Mailing of the Notice Packets
Deadline for Administrator to Submit Report	14 Days Prior to the Final Approval Hearing
Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Award to Plaintiff	16 Court Days before Final Approval Hearing
Final Approval Hearing	December , 2023 at 9:00 a.m. in Department 10

15. The Court further ORDERS that the three matters covered by this Settlement—*Acevedo vs. Deanco Healthcare, LLC* (Los Angeles County Superior Court Case No. 21STCV34724), *Acevedo vs. Deanco Healthcare, LLC* (Los Angeles County Superior Court Case No. 21STCV43506), and *Flores vs. Deanco Healthcare, LLC* (Los Angeles County Superior Court Case No. 21STCV02209)—are consolidated for purposes of consideration of the settlement and for approval only. Plaintiffs Acevedo and Flores are directed to file notices of this Order in the other actions. The Court does not intend that this order shall impact the jurisdiction of the other courts, but is merely intended to advise the other courts of the Parties proposed Settlement to enable those courts to efficiently manage their calendars.

16. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.

DATE:

Hon. William F. Highberger
Los Angeles County Superior Court

Sara Acevedo, et al. v. Deanco Healthcare, LLC
21STCV34724

I, Ashley Narinyans, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is minjee@wilshirelawfirm.com.

On **October 7, 2022**, I served the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Bradley E. Schwan, Bar No. 246457
bschwan@littler.com
 Jannine E. Kranz, Bar No. 272389
jkranz@littler.com
LITTLER MENDELSON P.C.
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Attorneys for Defendant
Deanco Healthcare, LLC

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed on **October 7, 2022**, at Los Angeles, California.

Ashley Narinyans
Type or Print Name


Signature