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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

TAMARA RENI, ADRIAN BARNES, SARAH
KENDALL, CHAD LAHUE, JEREMY
PALMITIER, LISA SANDER, ZABOUR WEST,
and STEVEN ROBINSON, individually, and on
behalf of others similarly situated,

Plaintiffs,

vs.

REACH MEDICAL HOLDINGS, LLC; REACH
AIR MEDICAL SERVICES, LLC; CALSTAR AIR
MEDICAL SERVICES LLC; and DOES ONE
through TEN inclusive,

Defendants.

FILED
ALAMEDA COUNTY

MAY 04 2023

CLERK OF THE SUPERIOR COURT

By

Deputy

Case No. RG 20072101

CLASS ACTION

~~SECOND AMENDED PROPOSED~~
**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: May 4, 2023

Time: 3:30 pm

Dept: 17

Before: Hon. Frank Roesch

Reservation ID: 75064915277

1 Plaintiffs' Notice of Motion and Motion for Preliminary Approval of Class Action Settlement
2 came on for hearing on May 4, 2023 at 3:30 p.m., in Department 17 of the Superior Court of
3 California, County of Alameda. Having considered: Plaintiffs' Motion for an Order that (1) grants
4 preliminary approval of the proposed Settlement, including the settlement amount and the plan for
5 allocation and distribution of settlement funds, (2) orders the proposed class notice to be sent to the
6 Settlement Class, (3) appoints Atticus Administration, LLC as Settlement Administrator, (4)
7 conditionally certifies the proposed Settlement Class, (5) conditionally appoints Plaintiffs Tamara
8 Reni, Adrian Barnes, Sarah Kendall, Chad Lahue, Jeremy Palmitier, Lisa Sander, Zabour West, Steven
9 Robinson, and Ryan Mason as Class Representatives and Plaintiffs' Counsel, Goldstein, Borgen,
10 Dardarian & Ho, as Class Counsel for the Settlement Class, and (6) schedules a date for hearing
11 Plaintiffs' Motion for Final Approval of Class and Representative Action Settlement, Motion for
12 Attorneys' Fees and Costs, and Motion for Service Awards; the Memorandum of Points and
13 Authorities in Support thereof; the Declaration of Laura L. Ho; the Agreement to Settle Class and
14 PAGA Claims ("Settlement Agreement"); the proposed Notice of Class Action Settlement; and all
15 other papers filed in *Reni v. REACH Medical Holdings, LLC*, Case No. RG20072101, and *Mason v.*
16 *REACH Air Medical Services, LLC*, Case No. 34-2021-00308894, the Court hereby FINDS,
17 CONCLUDES, and ORDERS as follows:

18 1. Plaintiffs Tamara Reni, Adrian Barnes, Sarah Kendall, Chad Lahue, Jeremy Palmitier,
19 Lisa Sander, Zabour West, Steven Robinson, and Ryan Mason and Defendants REACH Air Medical
20 Services, LLC, CALSTAR Air Medical Services LLC, and REACH Medical Holdings, LLC through
21 their counsel of record in the Litigation, have reached an agreement to settle all claims in the
22 Litigation.

23 2. The Parties have agreed, for Settlement purposes only, that this Litigation may be
24 maintained as a class action.

25 3. The Court has reviewed the terms of the proposed settlement and the Joint Stipulation
26 Re *Cy Pres* Distribution, as well as the Declaration of Laura L. Ho describing Plaintiffs' investigation
27 into the claims and defenses in this matter, the discovery and information exchanges by the parties, the
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1 past proceedings, and the settlement process. The Court finds that the proposed settlement is the
2 product of informed, non-collusive, and arm's-length negotiations. Based on the papers submitted, the
3 Court finds the proposed settlement to be within the range of possible approval as fair, reasonable, and
4 adequate, such that notice should be given to the class.

5 4. Plaintiffs have represented that they provided notice of the settlement to the LWDA.
6 Private Attorney General Act claims are not class claims subject to the two-step approval process in
7 Rule of Court 3.769, and the Court's preliminary approval of the class action settlement agreement
8 does not constitute an approval of the settlement of PAGA claims under this same agreement. The
9 Court will issue an order granting or denying approval of the PAGA portion of the settlement as part of
10 its order on the motion for final approval.

11 5. The moving papers presented for the Court's review set forth a plan to provide notice to
12 the proposed Settlement Class of the terms of the Settlement Agreement and the options facing the
13 Settlement Class, including, *inter alia*: to be excluded from the Litigation, to be represented by counsel
14 of their choosing, to remain in the Settlement Class, and/or to object to the terms of the Settlement.
15 Plaintiffs have submitted to the Court a Notice of Class Action Settlement. The Notice of Class Action
16 Settlement will be mailed to all Settlement Class Members, at their last known address. For returned
17 envelopes, the Class Administrator will use reasonable diligence to obtain a current address for the
18 Settlement Class Member and re-mail the Notice of Class Action Settlement. This notice plan
19 provides the best practical notice under the circumstances.

20 Good cause appearing, **IT IS HEREBY ORDERED** THAT, effective the date this order is
21 issued:

22 1. The Court preliminarily approves the proposed settlement, including the settlement
23 amount, the plan for allocation and distribution of settlement funds, and including the terms described
24 in the Joint Stipulation Re *Cy Pres* Distribution

25 2. All defined terms contained herein shall have the same meanings as set forth in the
26 Settlement Agreement and the Joint Stipulation Re *Cy Pres* Distribution.

27 3. The Settlement Class is provisionally certified for Settlement purposes only, pursuant to
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1 section 382 of the Code of Civil Procedure.

2 4. Plaintiffs Tamara Reni, Adrian Barnes, Sarah Kendall, Chad Lahue, Jeremy Palmitier,
3 Lisa Sander, Zabour West, Steven Robinson, and Ryan Mason are conditionally approved as the
4 Settlement Class Representatives, and Goldstein, Borgen, Dardarian & Ho are conditionally approved
5 as Class Counsel for Settlement Class.

6 5. For Settlement purposes only, the litigation may be maintained on behalf of a Class
7 defined as follows: "all persons employed as non-exempt Flight Nurses, Flight Paramedics, or Pilots
8 by REACH Air Medical Services, LLC or CALSTAR Air Medical Services LLC in the state of
9 California at any time between August 21, 2016 and the date this Order is signed by the Court.

10 6. The Court approves Atticus Administration, LLC as the Class Administrator for the
11 purposes of the Class Settlement.

12 7. The Court hereby approves the form of Notice of Class Action Settlement, which is
13 attached to this Order as **Exhibit A**.

14 8. The notice of the proposed Settlement and Joint Stipulation Re *Cy Pres* Distribution,
15 and the rights of Settlement Class members to opt out of the Settlement or to dispute their individual
16 information provided in the Notice Packet, shall be given by mailing of the Notice of Class and
17 Representative Action Settlement by first class mail to all Settlement Class Members pursuant to the
18 applicable provision in the Settlement Agreement. Defendants shall provide the Class Administrator
19 with the information necessary to conduct this mailing as set forth in the Settlement Agreement.

20 9. A hearing shall be held before this Court on Sept 21, 2013 at 3:30 p.m. to
21 consider whether the Settlement should be given final approval by the Court, whether the PAGA
22 settlement should be approved, whether Attorneys' Fees and Costs should be approved, and whether
23 the Service Payments to Named Plaintiffs should be approved;

24 a. Written objections by Settlement Class Members to the proposed Settlement will
25 be considered if received by the Class Administrator in writing no later than forty-five (45) calendar
26 days after the date of the initial mailing of the Notice of Class Settlement by the Class Administrator or
27 calendar (15) days after a re-mailing of Notice, whichever is later;
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b. At the final approval hearing, Settlement Class Members may be heard orally in support of the Settlement, or in opposition to the Settlement, regardless of whether or not they submitted a written objection;

c. Class Counsel and Defense Counsel should be prepared at the hearing to respond to objections filed by Settlement Class Members and to provide other information as appropriate, bearing on whether or not the Settlement should be approved; and

d. The Court reserves the right to adjourn or continue the date of the Fairness Hearing without further notice to the Class.

10. In the event the Effective Date occurs, all Class Members who do not timely submit a Request for Exclusion from the Settlement will be deemed to have forever released and discharged the Settlement Class Released Claims as set forth in the Settlement Agreement. In the event the Court denies final approval of the Settlement or an appeal leaves the Settlement unenforceable, the Settlement shall be void and the Parties shall be returned to the same positions as existed as prior to the signing of this Agreement.

11. The Court orders the following implementation schedule for further proceedings:

Action	Deadline
Deadline for Class Administrator to create website	Seven (7) calendar days after this Order is issued
Deadline for Defendants to provide the Class List to the Class Administrator	Twenty-one (21) calendar days after this Order is issued
Deadline for Class Administrator to send notice	Twenty-one (28) calendar days after the Class Administrator receives the Class List from Defendants
Deadline for postmark by certified mail of any Opt-Out Requests or disputes concerning Class Member Pay Periods, Job Position, or Dates of Employment	Forty-five (45) calendar days from date notice is mailed or (15) days after a re-mailing of Notice, whichever is later
Deadline for postmark by first class mail of any written objections	Forty-five (45) calendar days from date notice is mailed or (15) days after a re-mailing of Notice, whichever is later
Deadline for Class Counsel to file Motion for Final Approval of Class and Representative Action Settlement, Motion for Attorneys' Fees	Sixteen (16) court days before the Final Fairness and Final Approval Hearing

1	and Costs, and Motion for Service Awards	
2	Final Approval Hearing 9/21/23	TBD by Court [Around August 31, 2023]

3 **IT IS SO ORDERED.**

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5 Dated: May 4, 2023



Honorable Frank Roesch