

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 260264 NAME: Kelsey M. Szamet FIRM NAME: Kingslev & Kingslev, APC STREET ADDRESS: 16133 Ventura Blvd., Suite 1200 CITY: Encino STATE: CA ZIP CODE: 91436 TELEPHONE NO.: (818) 990-8300 FAX NO.: (818) 990-2903 E-MAIL ADDRESS: kelsey@kingslevkingslev.com ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Monterey STREET ADDRESS: 1200 Aquilto Road MAILING ADDRESS: CITY AND ZIP CODE: Monterey, CA 93940 BRANCH NAME: Monterey Division	
PLAINTIFF/PETITIONER: Ingrid Hansen-Schoolderman DEFENDANT/RESPONDENT: Southern Monterey County Memorial Hospital OTHER:	CASE NUMBER: 21CV003609 JUDICIAL OFFICER: Hon. Thomas W. Wills
PROPOSED ORDER (COVER SHEET)	DEPT: 15

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Kelsey M. Szamet, Esq. on behalf of Plaintiff

2. Title of the proposed order:
[Proposed) Amended Order Granting Preliminary Approval of Class Action Settlement

3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: **Pl's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement**
 - b. Date and time: **June 23, 2023, 8:30 a.m.**
 - c. Place: **15**

4. The proposed order was served on the other parties in the case.

Kelsey M. Szamet

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:

Ingrid Hansen-Schoolderman v. Sourthern Monterey County Memorial Hospital

CASE NUMBER:

23CV003609

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):

16133 Ventura Blvd., Suite 1200, Encino, CA 91436

b. My electronic service address is (*specify*): michelle@kingslevkingslev.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

FENTON & KELLER, APC Elizabeth R. Leitzinger; Gladys Rodriguez-Morales (counsel for defendant)

ABRAMSON LABOR GROUP William Zev Abramson (counsel for plaintiff)

b. To (*electronic service address of person served*): Eleitzinger@fentonkeller.com; qmorales@fentonkeller.com; Wza@abramsonlabor.com

c. On (*date*): June 27, 2023

☒ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

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

Date: June 27, 2023

Michelle Tanzer

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

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Attorneys for Plaintiff and the Proposed Classes

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MONTEREY**

INGRID HANSEN-SCHOOLDERMAN, an
individual, on behalf of herself and others
similarly situated,

PLAINTIFF,

v.

SOUTHERN MONTEREY COUNTY
MEMORIAL HOSPITAL; and DOES 1 thru
50, inclusive,

DEFENDANTS.

CASE NO. 21CV003609

[Case Assigned for All Purposes to Hon.
Thomas W. Wills in Dept. 15]

**[PROPOSED] AMENDED ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: June 23, 2023
Time: 8:30 A.M.
Dept.: 15

Complaint Filed: November 12, 2021
Trial Date: None Set

1 The Motion for Preliminary Approval of the Class Settlement came before this Court on
2 June 23, 2023, the Honorable Thomas W. Wills, presiding. The Court, having considered the
3 papers submitted in support of the motion of the parties, **HEREBY ORDERS THE**
4 **FOLLOWING:**

5 1. The Court grants preliminary approval of the proposed settlement based upon the
6 terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement”) filed
7 herewith. The Agreement appears to be fair, adequate, and reasonable to the Class. The Court
8 finds that: (a) the Agreement resulted from extensive arm’s length negotiations; and (b) the
9 Agreement is sufficient to warrant notice of the Agreement to persons in the Class and a full
10 hearing regarding final approval of the Agreement.

11 2. For purposes of this Order, the proposed Class is defined as follows:

12 “All persons who are employed or have been employed as a non-
13 exempt employee by SOUTHERN MONTEREY COUNTY
14 MEMORIAL HOSPITAL, in the State of California during the
Covered Period.” (“Settlement Class Members” or “Class”)

15 3. The Class Period is from November 12, 2017 to March 7, 2023.

16 4. The Agreement falls within the range of reasonableness and appears to be
17 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
18 and final approval by this Court.

19 5. The Court makes the following preliminary findings for settlement purposes only:

20 A. The Class, which consists of approximately 660 persons, is so numerous that
21 joinder of all members is impracticable;

22 B. There appear to be questions of law or fact common to the Class for purposes
23 of determining whether this Settlement should be approved;

24 C. Plaintiff’s claims appear to be typical of the claims being resolved through
25 the proposed settlement;

26 D. Plaintiff appears to be capable of fairly and adequately protecting the
27 interests of the Settlement Class Members in connection with the proposed
settlement;

28 E. Common questions of law and fact appear to predominate over questions
affecting only individual persons in the Class. Accordingly, the Class

appears to be sufficiently cohesive to warrant settlement by representation;
and

F. Certification of the Class appears to be superior to other available methods
for the fair and efficient resolution of the claims of the Class.

6. The Court approves, as to form and content, the Notice of Class Action Settlement
to Settlement Class Members in substantially the form attached to the Agreement as Exhibit “A”.

7. The Court approves the procedure for Settlement Class Members to opt out to the
Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

8. The Court approves the procedure for Settlement Class Members to object to the
Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

9. The Court directs the mailing of the Notice of Class Action Settlement and related
documents to members of the Class by first class mail in accordance with the Agreement and the
implementation schedule set forth below. The Court finds that the dates selected for the mailing
and distribution of the notice, as set forth in the following implementation schedule, meet the
requirements of due process and provide the best notice practicable under the circumstances and
shall constitute due and sufficient notice to all persons entitled thereto.

10. It is ordered that the Class is preliminarily certified for settlement purposes only.

11. The Court confirms Eric B. Kingsley and Kelsey M. Szamet of Kingsley &
Kingsley, APC as Class Counsel.

12. The Court confirms INGRID HANSEN-SCHOOLDERMAN as Class
Representative.

13. The Court approves Phoenix Class Action Administration Solutions as the
Administrator.

14. The Court orders that pursuant to the California Private Attorneys General Act,
Labor Code §§ 2698, et seq. (“PAGA”), statutory notice of this Agreement has been and will
continue to be given to the Labor & Workforce Development Agency.

15. A final fairness hearing on the question of whether the proposed Agreement,
attorneys’ fees and costs to Class Counsel, the PAGA payment, and the claims administration costs
should be finally approved as fair, adequate, and reasonable as to the members of the Class is

scheduled for November 11, 2023 at 8:30 AM (Pacific Time), in Department 15.

16. The Court orders the following Implementation Schedule for further proceedings:

a.	Preliminary Approval Granted	June 23, 2023
b.	Deadline for Defendant to Provide Settlement Class Members' Information to Administrator	15 calendar days from Entry of Preliminary Approval
c.	Administrator Shall Mail Notice to Settlement Class Members	14 calendar days from receipt of the Class List from Defendant
d.	Deadline for Postmark of Any Request for Exclusion	60 Days from Mailing of Notices
e.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	October 25, 2023
g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	October 25, 2023
h.	Final Approval Hearing	November 17, 2023

17. IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the "Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the subject of this Order shall become null, void, unenforceable and inadmissible in any judicial, administrative or arbitral proceeding for any purpose, and all evidence, court orders and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the ("Agreement.

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1 18. IT IS FURTHER ORDERED that, pending further Order of this Court, all
2 proceedings in this matter except those contemplated herein and in the Agreement are hereby
3 stayed.

4 19. The Court expressly reserves the right to adjourn or continue the Final Fairness
5 Hearing from time to time without further notice to members of the Class.

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7 **DATED:** _____

8 **JUDGE OF THE SUPERIOR COURT**
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(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On June 27, 2023, I served all interested parties in this action the following documents described as: **EFS-020 WITH [PROPOSED] AMENDED ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

FENTON & KELLER, APC Elizabeth R. Leitzinger Eleitzinger@fentonkeller.com Gladys Rodriguez-Morales gmorales@fentonkeller.com 2801 Monterey-Salinas Highway Post Office Box 791 Monterey, CA 93942 <i>Attorneys for Defendant</i>	ABRAMSON LABOR GROUP William Zev Abramson Wza@abramsonlabor.com 3580 Wilshire Blvd., Ste 1260 Los Angeles, CA 90010-2513 <i>Attorneys for Plaintiff</i>
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[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused the document to be sent to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing("EF") System (<https://dir.tfaforms.net/308>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (STATE): I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 27, 2023, at Encino, California.



Michelle Tanzer