

RICHARD LAW, P.C.

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Attorneys for PLAINTIFFS JOANABELLE PIZARRO ORDONA and
TAKEYA RIDEOUT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

JOANABELLE PIZARRO ORDONA,
TAKEYA RIDEOUT, Individually and on
Behalf of Other Members of the Public and
those Similarly Situated,

Plaintiffs,

v.

FIRST CLASS NURSES, INC., a California
Corporation,
AMGAD WAHBA,
RAMY WAHBA, and
DOES 1-10, Inclusive,

Defendants.

Case No. 30-2021-01238237-CU-OE-CXC

ASSIGNED FOR ALL PURPOSES TO:

HONORABLE LON F. HURWITZ

DEPARTMENT: CX-103

ACTION FILED: DECEMEBER 27, 2021

FAC FILED: MARCH 23, 2022

ANSWER FILED: APRIL 26, 2022

CLASS ACTION/PAGA ACTION

**NOTICE OF MOTION AND PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Hearing:

Date: October 11, 2023

Time: 1:30 p.m.

Dept.: CX-103

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEY OF RECORD:

2 PLEASE TAKE NOTICE THAT on **October 13, 2023 at 1:30 p.m.**, or as soon thereafter as the
3 matter can be heard before the Honorable Lon F. Hurwitz, in Department CX-103 of the Orange County
4 Superior Court, located at Civil Complex Center, 751 West Santa Ana Blvd., Santa Ana, CA 92701,
5 plaintiffs Joanabelle Pizarro Ordon and Takeya Rideout ("Plaintiffs") will, and hereby do, move the
6 Court to grant preliminary approval of the parties' proposed class action settlement. **This Motion is**
7 **unopposed by Defendants.** Specifically, Plaintiffs request that the Court issue an order:

- 8 (i) granting preliminary approval of the proposed class settlement and granting approval of
9 the PAGA settlement codified in the Class Action and PAGA Settlement Agreement
10 ("Settlement Agreement" or "Settlement");
- 11 (ii) conditionally granting class certification of the Class, solely for settlement purposes,
12 pursuant to California Code of Civil Procedure §382;
- 13 (iii) appointing Diane E. Richard of Richard Law, P.C. as Class Counsel for the proposed Class;
- 14 (iv) appointing Plaintiffs Joanabelle Pizarro Ordon and Takeya Rideout as Class
15 Representatives of the proposed Class;
- 16 (v) approving ILYM Group, Inc. as the Settlement Administrator;
- 17 (vi) approving the use of the proposed notice procedures and authorizing the form, content and
18 distribution of the proposed class notice, the proposed request for exclusion from the class
19 form, and the proposed objection form; and
- 20 (vii) scheduling a "fairness hearing" for final approval of the Settlement.

21 The "Class" means, for purposes of settlement only, all non-exempt employees of First Class Nurses, Inc.
22 ("FCN") who worked for FCN at the Centinela Hospital Medical Center in Inglewood, California at any
23 time during the Class Period of December 27, 2017 to March 1, 2023.

24 Plaintiffs make this Motion on the following grounds: (i) the Class meets all the requirements for
25 class certification for settlement purposes only under California Code of Civil Procedure §382; (ii)
26 Plaintiffs and their counsel are adequate to represent the Class; (iii) the Settlement reflects a fair, adequate,
27 and reasonable compromise of disputed claims and is well within the range of possible final approval in
28 view of Defendants' potential liability exposure as compared against the risk of continued litigation; (iv)

1 the proposed notice procedures and notice form adequately apprise the member of the Class of their rights
2 under the Settlement including their right to participate in, opt-out of, or object to the class portion of the
3 Settlement, and fully comport with due process; and (v) in light of the foregoing, the class notice along
4 with the request for exclusion from the class form, and the objection form should be disseminated to
5 member of the Class and a hearing date for motion for final approval should be set.

6 This motion is based upon this Notice of Motion and Motion, the accompanying Memorandum of
7 Points and Authorities and declarations in support of the motion, and attached exhibits, such evidence and
8 argument of counsel as may be presented at the hearing, the complete files and records in the above-
9 captioned matter, and such additional matters as the Court may consider.

10 Respectfully submitted,

11 RICHARD LAW, P.C.

12 August 11, 2023

13 By: Diane Richard
14 DIANE E. RICHARD
15 Attorney for Plaintiffs,
16 Joanabelle Pizarro Ordona and
17 Takeya Rideout
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PROOF OF SERVICE

Joanabelle Pizarro Ordon, et al. v. First Class Nurses, Inc. (30-2021-01238237-CU-OE-CXC)

1. At the time of service, I was a United States citizen, a resident of the County of San Diego, over 18 years of age, and not a party to or interest in this action.

2. My business address is 5060 N. Harbor Drive, Suite 265, San Diego, CA 92106.

3. On **August 11, 2023**, I served the following document(s), including all exhibits thereto:

- **NOTICE OF MOTION AND PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

4. I served the document(s) on the following:

FISHER & PHILLIPS LLP

Boris Sorsher (State Bar No. 251718)

Lisa Peterson (State Bar No. 292798)

2050 Main Street, Suite 1000

Irvine, CA 92614

Telephone: (949) 851-2424; Facsimile: (949) 851-0152

Electronic Service Addresses: bsorsher@fisherphillips.com; lpeterson@fisherphillips.com

5. The document(s) were served by the following means:

- ☒ **BY ELECTRONIC SERVICE** –Based on a court order, court rule, or an agreement of the parties to accept electronic service, I caused such document(s) to be delivered to the person(s) at the electronic service address set forth above. Said document(s) was/were served electronically and the transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **August 11, 2023**, at San Diego, California.

Diane Richard

Name

/s/ Diane Richard

Signature