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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

ANDREA SALONGA and DANIELA
MELGOZA, individually and on behalf of all
others similarly situated and the State of
California,

Plaintiffs,

v.

AEGIS SENIOR COMMUNITIES, LLC,
d/b/a AEGIS LIVING; and DOES 1 through
100, inclusive,

Defendants.

Case No.: 22CV007450

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

Date: January 25, 2024

Time: 3:00 p.m.

Dept: 514

Judge: Hon. Noël Wise

Reservation ID: 106613794847

1 The Motion for Preliminary Approval of Settlement (“Motion”) filed by Plaintiffs Andrea
2 Salonga and Daniela Melgoza, individually and on behalf of the putative class and collective
3 members, the State of California, and the Aggrieved Employees (“Plaintiff”) came on regularly for
4 hearing before this Court on January 25, 2024 at 3:00 p.m. The Court, having considered the Class
5 and Collective Action Settlement Agreement and Release (“Settlement”) between Plaintiffs and
6 Defendant Aegis Senior Communities LLC d/b/a Aegis Living (“Defendant”), attached as **Exhibit A**
7 to the Declaration of Carolyn H. Cottrell, filed concurrently with the Motion, as well as the Motion,
8 Memorandum of Points and Authorities in support thereof, supporting Declarations, all supporting
9 documents attached therein, and any argument presented at the hearing on the Motion, and good cause
10 appearing therefore, **HEREBY ORDERS AND MAKES THE FOLLOWING**
11 **DETERMINATIONS:**

12 1. This Order incorporates by reference the parties’ Settlement and all defined terms
13 herein shall have the same meaning as set forth in the Settlement.

14 2. The Court **GRANTS** preliminary approval of the Settlement and finds its terms to be
15 fair, adequate, and within the range of reasonableness of a settlement that ultimately could be finally
16 approved by the Court at a Final Approval Hearing.

17 3. For purposes of the Settlement only, the Court finds that the proposed Class is
18 ascertainable and that there is a sufficiently well-defined community of interest among the Class
19 Members in questions of law and fact. Therefore, for settlement purposes only, the Court **GRANTS**
20 preliminary certification of the Class, which is defined as Plaintiffs and all individuals employed by
21 Defendant in non-exempt positions in the State of California at any time during the time period from
22 May 30, 2017, to and including May 28, 2023.

23 4. For purposes of the Settlement only, the Court finds that the proposed Collective
24 Members are similarly situated. Therefore, for settlement purposes only, the Court **GRANTS**
25 preliminary certification of the Collective, which is defined as all individuals who were employed by
26 Defendant in non-exempt positions anywhere in the United States at any time during the time period
27 from November 14, 2021, to May 14, 2022.

5. For purposes of the Settlement, the Court designates Plaintiffs Andrea Salonga and Daniela Melgoza as Class Representatives and designates Schneider Wallace Cottrell Konecky LLP and Aegis Law Firm PC as Class Counsel.

6. The Court designates Phoenix Settlement Administrators as the third-party Settlement Administrator for mailing notices, administering the Settlement, and for carrying out all the other responsibilities outlined in the Settlement.

7. The Court approves, as to form and content, the Notice of Settlement of Class Action (“Class Notice”), in the form attached as **Exhibit B** to the Settlement, and the Notice of Settlement of Collective Action (“Collective Notice”), in the form attached as **Exhibit C** to the Settlement. Minor, non-substantive changes are permitted to the extent required to facilitate notice administration.

8. The Court finds that the form of notice to the Class and Collective Members regarding the pendency of the action and of the Settlement, and the methods of giving notice to Class and Collective Members, constitutes the best notice practicable under the circumstances, and constitutes valid, due, and sufficient notice to all Class and Collective Members. The form and method of giving notice comply fully with the requirements of Cal. Code Civ. Proc. § 382, Cal. Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

9. The Court further approves the procedures for Class Members to dispute workweeks, opt out of the Settlement, or object to the Settlement; and for Collective Members to opt in to the Settlement, as set forth in the Class Notice and Collective Notice, respectively.

10. The procedures and requirements for submitting written objections in connection with the Final Approval Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any Class or Collective Member's objection to the Settlement, in accordance with the due process rights of all Class and Collective Members. Class and Collective Members are permitted to appear at the Final Approval Hearing and object to the Settlement even if they do not submit written objections.

1 11. The Court directs the Settlement Administrator to send the Class Notice and Collective
2 Notice to the Class and Collective Members (respectively) via first-class U.S. Mail in accordance
3 with the terms of the Settlement.

4 12. The Final Approval Hearing on the question of whether the Settlement should be
5 finally approved as fair, reasonable, and adequate is scheduled for _____, 2024 at
6 _____ a.m. / p.m. in Department 514.

7 13. At the Final Approval Hearing, the Court will consider: (a) whether to certify this
8 Action, the Class, and the Collective as a Class and Collective action under California Code of Civil
9 Procedure § 382 and 29 USC § 216(b) for purposes of settlement only; (b) whether dissemination of
10 the Notices was accomplished as directed and met the requirements of due process; (c) whether the
11 Settlement should be finally approved as fair, reasonable, and adequate; (d) whether Plaintiffs'
12 applications for their Service Awards should be granted; (e) whether Class Counsel's application for
13 attorneys' fees and costs should be granted; (f) whether to direct distribution of the Settlement funds
14 in accordance with the Settlement Agreement; (g) whether to enter a Final Judgment; and (h) whether
15 to retain continuing jurisdiction over this Action for purposes only of overseeing all settlement
16 administration matters.

17 14. Counsel for the parties shall file memoranda, declarations, and other materials in
18 support of their request for final approval of the Settlement, attorneys' fees, litigation expenses,
19 Plaintiffs' Service Awards, and settlement administration costs prior to the Final Approval Hearing
20 according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

21 15. Administration of the Settlement shall proceed according to the Implementation
22 Schedule set forth in Plaintiff's Notice and Motion for Preliminary Approval of Settlement.

23 16. Pending the Final Approval Hearing, all proceedings in this action, other than
24 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
25 Order, are hereby stayed, and all deadlines are vacated. The time for bringing this action to trial
26 pursuant to Cal. Code Civ. Proc. §§ 583.310, *et seq.*, is hereby tolled until further order of the Court.

1 17. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
2 connection with the administration of the Settlement which are not materially inconsistent with either
3 this Order or the terms of the Settlement.

4
5 **IT IS SO ORDERED.**

6
7 Dated: _____, 2024

8 HONORABLE NOËL WISE
9 JUDGE OF THE SUPERIOR COURT