

FILED
Clerk of the Superior Court

JUL 26 2024

By: R. Day, Deputy

ELECTRONICALLY RECEIVED
Superior Court of California,
County of San Diego

07/03/2024 at 07:57:39 AM

Clerk of the Superior Court
By Carla Boston, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

KELLY BELL, individually and on behalf of all
others similarly situated, Plaintiff,

vs.

SCRIPPS HEALTH, INC., a California
corporation; and DOES 1 through 50, inclusive,
Defendants.

Consolidated with:
BARBARAH CABANAS MONREAL

vs.

SCRIPPS HEALTH

SHARLON KIMBLE, SHAUNICE
WILLIAMS vs.
SCRIPPS HEALTH

Lead Case No.

37-2022-00005620-CU-OE-CTL

[Consolidated with Case Nos.

37-2022-00006729-CU-OE-CTL

37-2022-00010056-CU-OE-CTL]

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT AND
CONDITIONAL CLASS CERTIFICATION**

HEARING:

DATE: July 26, 2024

TIME: 9:00 a.m.

DEPT: C-73

1 WHEREAS, the above-styled Action was filed on February 10, 2022;

2 WHEREAS, Plaintiffs Kelly Bell, Barbarah Cabanas Monreal, Sharlon Kimble and
3 Shaunice Williams ("Named Plaintiffs"), individually and on behalf of themselves and the proposed
4 Settlement Class (defined below), and Defendant Scripps Health ("Scripps" or "Defendant")
5 (collectively, the "Settling Parties"), have entered into a Settlement Agreement and Release
6 ("Settlement Agreement") resolving the Action, subject to Court approval;

7 WHEREAS, the Action was settled as a result of arm's-length negotiations, investigation
8 and informal discovery sufficient to permit counsel and the Court to act knowingly, and counsel are
9 well experienced in similar class action litigation; and WHEREAS, Named Plaintiffs, the proposed
10 Class Representatives, have moved the Court for entry of an order preliminarily approving the
11 Settlement, conditionally certifying the Settlement Class for settlement purposes only, and
12 approving the form and method of notice upon the terms and conditions set forth in the Settlement
13 Agreement, together with all exhibits thereto.

14 WHEREAS, the Court having considered the Settlement Agreement, together with all
15 exhibits thereto and records in this case, and the arguments of counsel and for good cause
16 appearing, hereby orders as follows:

17 **I. CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS**

18 1. Named Plaintiffs' Motion for Preliminary Approval of Class Action Settlement is
19 GRANTED. The terms defined in the Settlement Agreement shall have the same meanings in this
20 Order.

21 2. Having made the findings set forth below, the Court conditionally certifies the following
22 Class for settlement purposes only:

23 All persons who worked for Defendant as a non-exempt, hourly employee in California at
24 any time from February 9, 2021 to March 22, 2024.

25 3. Excluded from the Settlement Class are: (1) the Judges presiding over the Action and
26 members of their families; (2) Scripps, its subsidiaries, parent companies, successors, predecessors,
27 and any Entity in which Scripps or its parents have a controlling interest, and its current or former
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1 officers and directors; (3) natural persons who properly execute and submit a Request for Exclusion
2 prior to the Opt-Out Deadline; (4) the successors or assigns of any such excluded natural person.

3 4. For settlement purposes only, with respect to the Settlement Class, the Court preliminary
4 finds the prerequisites for a class action pursuant to California Code of Civil Procedure 382 have
5 been met, in that: (a) the Settlement Class is so numerous that joinder of all individual Settlement
6 Class members in a single proceeding is impracticable; (b) questions of law and fact common to all
7 Settlement Class Members predominate over any potential individual questions; (c) the claims of
8 the Named Plaintiffs are typical of the claims of the Settlement Class; (d) Named Plaintiffs and
9 proposed Class Counsel will fairly and adequately represent the interests of the Settlement Class;
10 and (e) a class action is the superior method to fairly and efficiently adjudicate this controversy.

11 5. The Court hereby appoints Named Plaintiffs, Kelly Bell, Barbarah Cabanas Monreal,
12 Sharlon Kimble and Shaunice Williams, as Class Representatives for the Settlement Class.

13 6. The Court hereby appoints attorneys Robert A. Waller, Jr., Patrick N. Keegan [Keegan &
14 Baker LLP], Ryan Stygar [Centurion Trial Attorneys], Michael Nourmand [The Nourmand Law
15 Firm APC], Reuben D. Nathan [Nathan & Associates, APC] and Bryce A. Dodds [The Law Office
16 of Bryce A. Dodds] as Class Counsel.

17 **II. PRELIMINARY APPROVAL**

18 7. The terms of the Settlement, including its proposed release, are preliminarily approved as
19 within the range of fair, reasonable, and adequate, and are sufficient to warrant providing notice of
20 the Settlement to the Settlement Class in accordance with the Notice Plan, and are subject to further
21 and final consideration at the Final Approval Hearing provided for below. In making this
22 determination, the Court considered the fact that the Settlement is the product of arms-length
23 negotiations facilitated by a neutral mediator and conducted by experienced and knowledgeable
24 counsel, the current posture of the Action, the benefits of the Settlement to the Settlement Class, and
25 the risk and benefits of continuing litigation to the Settling Parties and the Settlement Class.

26 8. As provided for in the Settlement Agreement, if the Court does not grant final approval of
27 the Settlement or if the Settlement is terminated or cancelled in accordance with its terms, then the
28 Settlement, and the conditional certification of the Settlement Class for settlement purposes only

provided for herein, will be vacated and the Action shall proceed as though the Settlement Class had never been conditionally certified for settlement purposes only, with no admission of liability or merit as to any issue, and no prejudice or impact as to any party's position on the issue of class certification or any other issue in the case.

III. NOTICE OF THE SETTLEMENT TO THE SETTLEMENT CLASS

9. The Court appoints ILYM Group, Inc., as the Settlement Administrator. The responsibilities of the Settlement Administrator are set forth in the Settlement Agreement.

10. The Court has considered the Notice provisions of the Settlement, the Notice Plan set forth in the Settlement Agreement and the Notice of Class Action and PAGA Action Settlement ("the Notice"), attached as Exhibit A to the Settlement Agreement. The Court finds that the direct emailing and/or mailing of the Notice in the manner set forth in the Notice Plan is the best notice practicable under the circumstances, constitutes due and sufficient notice of the Settlement and this Order to all persons entitled thereto, and is in full compliance with applicable law and due process. The Court approves as to form and content the Notice of Class Action and PAGA Action Settlement in the form attached as Exhibit A to the Settlement Agreement. The Court orders the Settlement Administrator to commence the Notice Plan following entry of this Order in accordance with the terms of the Settlement Agreement.

IV. REQUESTS FOR EXCLUSION FROM THE SETTLEMENT CLASS

11. Each person wishing to opt out of the Settlement Class must individually sign and timely submit written notice of such intent to the designated Post Office box established by the Settlement Administrator. The written notice must clearly manifest the Settlement Class Member's intent to be excluded from the Settlement Class. To be effective, written notice must be postmarked no later than [30 days after the Notice Commencement Date].

12. Persons who submit valid and timely notices of their intent to be excluded from the Settlement Class shall neither receive any benefits of nor be bound by the terms of the Settlement.

13. Persons falling within the definition of the Settlement Class who do not timely and validly request to be excluded from the Settlement Class shall be bound by the terms of the Settlement, including its releases, and all orders entered by the Court in connection therewith.

1 **V. OBJECTIONS**

2 14. Each Settlement Class Member desiring to object to the Settlement must submit a timely
3 written notice of his or her objection to the Settlement Administrator the designated Post Office box
4 established by the Settlement Administrator. Such notice must include: (i) the objector's full name
5 and address; (ii) the case name and number—*Bell v. Scripps Health*, Lead Case No. 37-2022-
6 0005620-CU-OE-CTL; (iii) information identifying the objector as a Settlement Class Member,
7 including proof that the objector is a member of the Settlement Class (e.g., copy of the objector's
8 settlement notice or a statement explaining why the objector believes he or she is a Settlement Class
9 Member); (iv) a written statement of all grounds for the objection, accompanied by any legal
10 support for the objection the objector believes applicable; (v) the identity of any and all counsel
11 representing the objector in connection with the objection; (vi) a statement whether the objector
12 and/or his or her counsel will appear at the Final Approval Hearing; and (vii) the objector's
13 signature or the signature of the objector's duly authorized attorney or other duly authorized
14 representative (if any) representing him or her in connection with the objection.

15 15. To be timely, written notice of an objection in appropriate form must be mailed and
16 postmarked no later than the Objection Date [30 days after the Notice Commencement Date]
17 to the Settlement Administrator at the address set forth in the Class Notice.

18 16. Unless otherwise ordered by the Court, any Settlement Class Member who does not
19 timely object in the manner prescribed above shall be deemed to have waived all such objections
20 and shall forever be foreclosed from making any objection to the fairness, adequacy, or
21 reasonableness of the Settlement, including its releases, the Order and Judgment approving the
22 Settlement, and Class Counsels' motion for a Fee Award and Costs and Named Plaintiffs'
23 Enhancement Payments.

24 **VI. THE FINAL APPROVAL HEARING**

25 17. The Court will hold a Final Approval Hearing on [Date], at [Time] .m., at the
26 San Diego Superior Court, Hall of Justice Courthouse, 330 West Broadway, San Diego, California
27 92101, Department C-73, to consider: (a) whether certification of the Settlement Class for
28 settlement purposes only should be confirmed; (b) whether the Settlement should be approved as

1 fair, reasonable, adequate and in the best interests of the Settlement Class; (c) the application by
2 Class Counsel for an award of attorneys' fees, costs and expenses as provided for under the
3 settlement; (d) the application for Named Plaintiffs' enhancement payments as provided for under
4 the Settlement; (e) whether the release of Released Claims as set forth in the Settlement should be
5 provided; (f) whether the Court should enter the [Proposed] Final Order and [Proposed] Judgment;
6 and (g) ruling upon such other matters as the Court may deem just and appropriate. The Final
7 Approval Hearing may, from time to time and without further notice to Settlement Class Members
8 be continued or adjourned by order of the Court.

9 18. No later than 16 court days prior to the Final Approval Hearing, the Named Plaintiffs
10 shall file their Motion for Final Approval of Class Action Settlement and their Motion for Award of
11 Attorneys' Fees and Expenses and Plaintiffs' Service Awards. No later than five (5) court days prior
12 to the Final Approval Hearing], Named Plaintiffs shall file their Reply Brief in Support of Motion
13 for Final Approval of Class Action Settlement Agreement and their Reply Brief in Support of
14 Motion for Award of Attorneys' Fees and Expenses and Plaintiffs' Service Awards, including as
15 needed to respond to any valid and timely objections.

16 19. The related time periods for events preceding the Final Approval Hearing are as
17 follows:

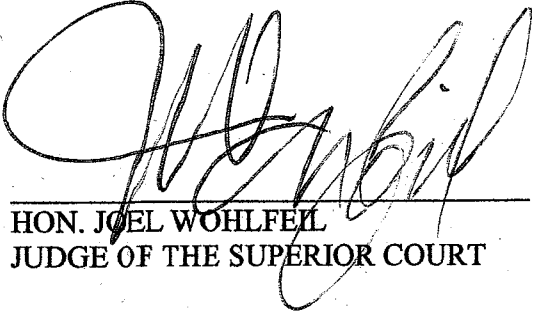
EVENT	TIMING
Scripps to provide Settlement Administrator with Settlement Class Member Information	No later than 45 days after entry of this Order
Notice Commencement Date	Within 30 days after receipt of Class Member Information
Opt-Out Deadline	30 days after the Notice Commencement Date
Objection Deadline	30 days after the Notice Commencement Date
Motion for Final Approval and Motion for Attorneys' Fees and Expenses and Enhancement Payments	16 court days prior to the Final Approval Hearing
Reply Papers in Support of Final Approval and in Support of Motion for Attorneys' Fees and Expenses and Enhancement Payments	5 court days prior to the Final Approval Hearing
Final Approval Hearing	11-1-24 @ 9:00 am

1 20. Any action brought by a Settlement Class Member concerning a Released Claim shall be
2 stayed pending final approval of the Settlement.

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4 **IT IS SO ORDERED AND ADJUDGED.**

5 Dated:

6 7-26-24
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HON. JOEL WOHLFEIL
JUDGE OF THE SUPERIOR COURT