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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Sharon Oliveira; and Ingrid
Leeman, individually, and on
behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

AMN Healthcare Language
Services, Inc., a Delaware
corporation; and DOES 1 through
10, inclusive,

Defendants.

Case No. 3:22-cv-00003-LL-WVG

CLASS ACTION

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
APPROVAL OF THE FLSA AND
CLASS ACTION SETTLEMENT,
CONDITIONAL CERTIFICATION
OF THE SETTLEMENT CLASSES,
APPOINTMENT OF CLASS
REPRESENTATIVES AND CLASS
COUNSEL, APPROVAL OF CLASS
NOTICES, AND SETTING OF FINAL
APPROVAL HEARING**

Judge: Hon. Linda Lopez
Date: December 5, 2022
Time: N/A¹
Courtroom: 5D

¹ Per chambers rules, no oral arguments unless separately ordered by the Court.

1 **TO THE COURT, ALL INTERESTED PARTIES AND THEIR**
2 **ATTORNEYS OF RECORD:**

3 **NOTICE IS HEREBY GIVEN** that on December 5, 2022 in Courtroom 5D
4 of the United States District Court for the Southern District of California, located at
5 221 West Broadway, San Diego, CA 92101, Plaintiffs Sharon Oliveira and Ingrid
6 Leeman (“Plaintiffs”), individually, and on behalf of all others similarly situated will,
7 and hereby do, respectfully move this Court to approve the Order Granting
8 Preliminary Approval of the FLSA and Class Action Settlement (the “Preliminary
9 Approval Order”).² Subject to this Court’s approval, the Preliminary Approval Order
10 will have the effect of doing the following:

11 1. Preliminarily approving the Settlement reached by Named Plaintiffs
12 and Defendant as fair, reasonable, and adequate to the Class/Collective Members
13 (defined in paragraph 2, below), subject to further consideration at the Final Approval
14 Hearing after the distribution of the applicable notices to the Class/Collective
15 Members, giving them an opportunity to opt in, opt out or object, as appropriate;

16 2. Granting conditional certification of the following class and collectives
17 for settlement purposes only:

18 a. **The FLSA Collective:** All current and former employees employed
19 by AMN Healthcare Language Services, Inc. or its Predecessor
20 Companies as Interpreters in the United States (excluding Puerto
21 Rico) during the FLSA Collective Period;

22 b. **The Ohio Collective:** All current and former employees employed
23 by AMN Healthcare Language Services, Inc. or its Predecessor
24

25
26 _____
27 ² Unless otherwise stated, all capitalized terms used herein are defined and carry the
28 same definition as the terms used in the Class and Collective Action Settlement
Agreement and Release (the “Settlement Agreement,” a true and correct copy of
which is attached as Exhibit 1 to the Declaration of Jerusalem F. Beligan (“Beligan
Decl.”)).

Companies as Interpreters in the State of Ohio during the Ohio Collective Period; and

c. **The California Class:** All current and former employees employed by AMN Healthcare Language Services, Inc. or its Predecessor Companies as Interpreters in the State of California during the California Class Period.

3. Preliminarily approving the PAGA Gross Settlement Amount;

4. Appointing Brian S. Kabateck and Jerusalem F. Beligan of Kabateck, LLP, James L. Simon of Simon Law Co., and Michael L. Fradin as Class Counsel for the Class/Collective Members;

5. Appointing Named Plaintiffs as the Class Representatives for the FLSA Collective, Plaintiff Oliveira for the Ohio Collective, and Plaintiff Leeman for the California Class and PAGA Representative Group;

6. Approving the proposed Notices of Settlement, FLSA Opt-In Consent Form, and Ohio Opt-In Consent Form (attached as Exhibits A-E to the Settlement Agreement) which will be sent to Settlement Class Members for the purposes of, among other things, notifying them of the pendency of the Action and proposed Settlement, the schedule and procedure for the opportunity to opt-in or opt-out, and submitting objections to the proposed Settlement, as appropriate; and approving the method of dissemination set forth in the Settlement Agreement;

7. Preliminarily enjoining, pending the outcome of the Final Approval Hearing, all Class/Collective Members from commencing, prosecuting or maintaining any claim already asserted in, and encompassed by, this Action, or commencing, prosecuting or maintaining in any court or forum, other than the Court, any claim, action or other proceeding that challenges, or seeks review of or relief from, any order, judgment, act, decision or ruling of the Court in connection with the Settlement Agreement; and

1 8. Scheduling a Final Approval Hearing to consider final approval of the
2 proposed Settlement, Class Counsel's Attorneys' Fees and Costs, Class
3 Representative Enhancement Payments, and Settlement Administration Costs not
4 less than 134 days after the date of the order granting this Motion for Preliminary
5 Approval.

6 This motion is made following the conference of counsel that took place on
7 October 12, 2022. The Parties' counsel have met and conferred, and Defendant does
8 not intend to oppose this motion.

9 This motion is based upon this notice, the attached Memorandum of Points
10 and Authorities, the declarations filed herewith, the Settlement Agreement and
11 exhibits thereto, the other records and files in the Action, and such other matters as
12 may be properly presented at or before the hearing.

13 DATED: October 31, 2022

Respectfully submitted,

15 **KABATECK LLP**

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