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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

BIO-MEDICAL APPLICATIONS WAGE AND
HOUR CASES

Included Actions:

*Calderon, et al. v. Bio-Medical Applications of
Mission Hills, et al.*, Los Angeles County
Superior Court, Case No. 22STCV24391

*Lippold v. Fresenius Medical Care Practice
Holdings, et al.*, San Diego County Superior
Court, Case No. 37-2024-00027612-CU-OE-
CTL

*Picou v. Bio-Medical Applications of California,
Inc., et al.*, Los Angeles County Superior Court,
Case No. 24STCV32762

*Prasad v. Bio-Medical Applications of Fresno
Inc.*, Fresno County Superior Court, Case No.
24CECG04584

*Yates v. Bio-Medical Applications of California,
Inc.*, Riverside County Superior Court, Case No.
CVRI2407087

FILED
Superior Court of California
County of Los Angeles

09/23/2026

David W. Slayton, Executive Officer / Clerk of Court

By: A. Morales Deputy

JCCP No.: 5343

[Assigned for all purposes to Samantha P.
Jessner, Dept. 7]

**[REVISED PROPOSED] ORDER
GRANTING PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

PRELIMINARY APPROVAL HEARING:

Date: September 9, 2026

Time: 10:00 a.m.

Dept.: 7

Complaint filed: July 28, 2022

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21 Attorneys for Plaintiff Ritesh Prasad

[REVISED PROPOSED] ORDER

Having reviewed Plaintiffs Dolores Calderon, Jason Calderon, Denise Picou, April Magat, Brianna Lippold, and Ritesh Prasad's ("Plaintiffs") Motion for Preliminary Approval of Class Action Settlement ("Motion"), the Declaration of John G. Yslas, the Declaration of Nicholas J. Ferraro, the Declaration of Seung L. Yang, Plaintiffs' Declarations, and the Amended Class Action and PAGA Settlement Agreement and Class Notice ("Amended Settlement Agreement"), and good cause appearing, the Court finds and orders as follows:

1. The Court finds on a preliminary basis that the Amended Settlement Agreement appears to be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Settlement Class based on the terms set forth in the Amended Settlement Agreement between Plaintiffs and Defendants Bio-Medical Applications of Mission Hills, Inc., Bio-Medical Applications of California, Inc., Fresenius Management Services, Inc., Bio-Medical Applications of Fresno, Inc., Fresenius Medical Care Practice Holdings, Inc., and Fresenius Medical Care Holdings, Inc. ("Defendants"), attached to the Declaration of Mariam Nazaretyan for the Non-Appearance Case Review Re: Submission of Revised Settlement Agreement and Revised Proposed Order as **Exhibit 2**.

2. The Settlement falls within the range of reasonableness of a settlement which could ultimately be given final approval by this Court, and appears to be presumptively valid, subject only to any objections that may be raised at the Final Approval Hearing and final approval by this Court. The Court notes that Defendants have agreed to create a common fund of \$5,500,000.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b) a \$300,000.00 allocation toward civil penalties under the Private Attorneys General Act, 75% of which (\$225,000.00) will be paid to the State of California, Labor & Workforce Development Agency and 25% of which (\$75,000.00) will be paid to eligible Aggrieved Employees; (c) Class Representative service payments of up to \$10,000.00 to each named Plaintiff (\$60,000.00 in total); (d) Class Counsel's attorneys' fees, not to exceed one-third of the Gross Settlement Amount (i.e., \$1,833,333.33), and up to \$75,000.00 in costs for actual

litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to \$25,000.00.

3. The Court preliminarily finds that the terms of the Settlement appear to be within the range of possible approval, pursuant to California Code of Civil Procedure § 382 and applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair and reasonable to the Class Members when balanced against the probable outcome of further litigation relating to class certification, liability and damages issues, and potential appeals; (2) significant informal discovery, investigation, research, and litigation have been conducted such that counsel for the Parties at this time are able to reasonably evaluate their respective positions; (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as the result of intensive, serious, and non-collusive negotiations between the Parties with the assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds that the Amended Settlement Agreement was entered into in good faith.

4. A final fairness hearing on the question of whether the proposed Settlement, attorneys' fees and costs to Class Counsel, payment to the State of California, Labor & Workforce Development Agency for its share of the settlement of claims for penalties under the Private Attorneys General Act, and the Class Representatives' enhancement awards should be finally approved as fair, reasonable and adequate as to the members of the Class is hereby set in accordance with the Implementation Schedule set forth below.

5. The Court provisionally certifies for settlement purposes only the following class (the "Class"): "all persons who worked for Defendants in California as an hourly-paid or non-exempt employee at any time during the Class Period."

6. "Class Period" means the period from March 21, 2019 through February 2, 2026.

7. "PAGA Period" means the period from June 7, 2023 through February 2, 2026.

8. The Court finds, for settlement purposes only, that the Settlement Class meets the requirements for certification under California Code of Civil Procedure § 382 in that: (1) the Settlement Class Members are so numerous that joinder is impractical; (2) there are questions

1 of law and fact that are common, or of general interest, to all Settlement Class Members, which
2 predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the
3 Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect
4 the interests of the Settlement Class Members; and (5) a class action is superior to other
5 available methods for the fair and efficient adjudication of the controversy.

6 9. The Court appoints as Class Representatives, for settlement purposes only,
7 Plaintiffs. The Court further preliminarily approves Plaintiffs' ability to request an incentive
8 award up to \$10,000.00 to each named plaintiff.

9 10. The Court appoints, for settlement purposes only, John G. Yslas, Diego Aviles,
10 Lucy Nguyen, Harry Erganyan, and Mariam Nazaretyan of Wilshire Law Firm, PLC; Nicholas
11 J. Ferraro and Lauren N. Vega of Ferraro Vega Employment Lawyers, Inc.; and Seung L. Yang,
12 Tiffany Hyun, and Diane Le of The Sentinel Firm, APC as Class Counsel. The Court further
13 preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of
14 the Gross Settlement Amount (i.e., \$1,833,333.33), and costs not to exceed \$75,000.00.

15 11. The Court appoints Phoenix Settlement Administrators, Inc. as the Settlement
16 Administrator with reasonable administration costs estimated not to exceed \$25,000.00.

17 12. The Court approves, as to form and content, the Class Notice, attached as **Exhibit**
18 **A** to the Amended Settlement Agreement. The Court finds on a preliminary basis that the plan
19 for distribution of the Notice to Settlement Class Members satisfies due process, provides the
20 best notice practicable under the circumstances, and shall constitute due and sufficient notice to
21 all persons entitled thereto.

22 13. The Parties are ordered to carry out the Settlement according to the terms of the
23 Amended Settlement Agreement.

24 14. Any Class Member who does not timely and validly request exclusion from the
25 Settlement may object to the Amended Settlement Agreement.

26 15. The Court orders the following Implementation Schedule:

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EVENT:	DEADLINE:
Defendants to provide Class Data to the Settlement Administrator	no later than 10 days after Court grants Preliminary Approval of the Settlement
Settlement Administrator to mail the Notice Packets	no later than 14 days after receipt of Class Data
Class Member Response Deadline	– 45 days after mailing Notice to Class
Class Member Deadline to Object	45 days after mailing Notice to Class
Deadline for Administrator to Submit Declaration in Support of Motion for Final Approval	– 14 days before the last day to file Plaintiffs' Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Awards to Plaintiffs
Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Awards to Plaintiffs	– 16 court days before the calendared Final Approval Hearing
Final Approval Hearing	January 28, 2027 at 10:00 a.m.

16. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the Settlement, are stayed.

IT IS SO ORDERED.

DATE: 09/23/2026



Samantha Jessner

Samantha Jessner / Judge

HON. SAMANTHA P. JESSNER
JUDGE OF THE SUPERIOR COURT