

HEATHER DAVIS, SBN 239372
heather@protectionlawgroup.com
AMIR NAYEBDADASH, SBN 232204
amir@protectionlawgroup.com
CARLOS JIMENEZ, SBN 227534
carlos@protectionlawgroup.com
PROTECTION LAW GROUP, LLP
237 California Street
El Segundo, California 90245
Telephone: (424) 290-3095
Facsimile: (866) 264-7880

Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
LAWYERS for JUSTICE, PC
410 West Arden Ave., Suite 203
Glendale, California 91203
Telephone: (818) 265-1020
Facsimile: (818) 265-1021

Attorneys for Plaintiffs
JOSHUA PASEWALDT and LANA YOUNG

[Additional counsel listed on next page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

JOSHUA PASEWALDT, and LANA
YOUNG, individually, and on behalf of other
members of the general public similarly
situated;

Plaintiff,

vs.

ADDICTION RESEARCH & TREATMENT,
INC. DBA BAART PROGRAMS, a California
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Lead Case No.: 20STCV00187

(Consolidated Case Nos: 20STCV15882;
19STCV23533)

[Assigned for all purposes to the Hon. Kenneth
R. Freeman, Dept. 14]

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

Complaint Filed: January 3, 2020
Trial Date: None Set

1 JOHN L. HOLCOMB, SBN 258175
2 jh@obagilaw.com

3 **OBAGI LAW GROUP, P.C.**

4 811 Wilshire Blvd, Suite 1721
5 Los Angeles, California 90017
6 Telephone: (424) 284-2401
7 Facsimile: (424) 204-0719

8 Attorneys for Plaintiff

9 LEIDY SILVIA MARTINEZ

10 FRANCIS J. FLYNN, SBN 304712

11 casey@lawofficeflynn.com

12 **LAW OFFICES OF FRANCIS J. FLYNN**

13 6057 Metropolitan Plz
14 Los Angeles, California 90036
15 Telephone: (314) 662-2836

16 Attorneys for Plaintiff

17 LEIDY SILVIA MARTINEZ

18 NATHAN KASED, SBN 251400

19 nathan@kasedlegal.com

20 **KASED LAW GROUP, APC**

21 2535 Kettner Blvd, Suite 2A2
22 San Diego, California 92101
23 Telephone: (619) 333-6373
24 Facsimile: (619) 339-3040

25 Attorneys for Plaintiff

26 LEIDY SILVIA MARTINEZ

[PROPOSED] ORDER

The Motion of Plaintiffs Joshua Pasewaldt, Lana Young, and Leidy Silvia Martinez (“Plaintiffs”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court on August 1, 2023. The Court, having considered the proposed Second Amended Joint Stipulation of Class Action and PAGA Settlement (“Settlement Agreement” or “Settlement”), attached as Exhibit C to the Second Supplemental Declaration of Heather M. Davis in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement filed and exhibits attached thereto on August 1, 2023, the Supplemental Declaration of Heather M. Davis in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement and exhibits attached thereto, the Declaration of Heather Davis filed concurrently with the Motion, having considered Plaintiffs’ Motion for Preliminary Approval of Class Action and PAGA Settlement, memorandum of points and authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, **HEREBY ORDERS THE FOLLOWING:**

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the Settlement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

All current and former non-exempt employees of Defendants Addiction Research & Treatment, Inc. dba BAART Programs and BAART Programs, Inc. (“Defendants”) who were employed by Defendants in the State of California at any time from August 20, 2014, through April 15, 2023.

2. For purposes of the Settlement only, the Court designates Plaintiffs Joshua Pasewaldt, Lana Young, and Leidy Silvia Martinez as Class Representative, and designates Protection Law Group, LLP, Lawyers for Justice, P.C., Obagi law Group, P.C., the Law Offices of Francis J. Flynn, and Kased Law Group, APC as Class Counsel.

1 3. The Court designates ILYM Group, Inc. as the third-party Settlement Administrator.

2 4. The parties are ordered to implement the Settlement according to the terms of the
3 Settlement Agreement.

4 5. The Court approves, as to form and content, the proposed Notice of Class Action
5 Settlement (“Notice”), attached as **Exhibit A** to the Settlement Agreement.

6 6. The Court finds that the form of notice to the Class regarding the pendency of the
7 action and of the Settlement, the dates selected for mailing and distribution, and the methods of giving
8 notice to members of the Class, satisfy the requirements of due process, constitute the best notice
9 practicable under the circumstances, and constitute valid, due, and sufficient notice to all members
10 of the Class. The form and method of giving notice complies fully with the requirements of California
11 Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of Court §§ 3.766 and
12 3.769, the California and United States Constitutions, and other applicable law.

13 7. The Court further approves the procedures for Class Members to opt-out of or object
14 to the Settlement, as set forth in the Notice and the Settlement Agreement. The procedures and
15 requirements for filing objections in connection with the final fairness hearing are intended to ensure
16 the efficient administration of justice and the orderly presentation of any Class Member’s objection
17 to the Settlement, in accordance with the due process rights of all Class Members.

18 8. The Court directs the Settlement Administrator to mail the Notice to the members of
19 the Class in accordance with the terms of the Settlement.

20 9. The Notice shall provide 60 calendar days’ notice for Class Members to submit
21 disputes, opt-out of, or object to the Settlement.

22 10. The hearing on Plaintiffs’ Motion for Final Approval of Settlement on the question of
23 whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in
24 Department 14 of this Court, located at 312 North Spring Street, Los Angeles, California 90012, on
25 _____, at _____ a.m./p.m. or a date that is convenient for the Court.

26 11. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement
27 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting
28 final approval of the Settlement should be entered; and (c) whether Plaintiffs’ application for an

enhancement payment, settlement administration costs, and Class Counsel's attorney's fees and costs, should be granted.

12. Counsel for the parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of Plaintiffs' application for an enhancement payment, settlement administration costs, Class Counsel's attorneys' fees and costs, prior to the hearing on Plaintiffs' Motion for Final Approval of Settlement according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

13. An implementation schedule is below:

Event	Date
Defendants to provide class contact information to Settlement Administrator no later than:	September 13, 2023
Settlement Administrator to mail the Notice to the Class no later than:	September 20, 2023
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	November 20, 2023
Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement:	December 29, 2023
Hearing on Motion for Final Approval of Settlement	_____, at _____ a.m./p.m. or a date that is convenient for the Court

14. Pending the Final Fairness hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court hereby enjoins Plaintiffs and all members of the Class from filing or prosecuting any claims, or suits regarding claims released by the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator.

1 15. 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: _____

By: _____
HONORABLE KENNETH R. FREEMAN
JUDGE OF THE SUPERIOR COURT