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on behalf of herself and all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO – HALL OF JUSTICE**

ALEXANDRIA ILENE KABITZKE on behalf
of herself and all others similarly situated,

Plaintiff,

v.

CENTRO DE SALUD DE LA COMUNIDAD
DE SAN YSIDRO d/b/a SAN YSIDRO
HEALTH, a California corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No. 37-2022-00046873-CU-OE-CTL
ASSIGNED FOR ALL PURPOSES TO:
JUDGE: Hon. Gregory Pollack
DEPT: 71

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

WHEREAS, this action is pending before this Court as a putative class action (the
“Action”); and

WHEREAS, Plaintiff, through an unopposed motion for preliminary approval, has
applied to this Court for an order preliminarily approving the settlement of the Action in
accordance with the Stipulation of Class Action and PAGA Settlement (“Settlement
Agreement”), and any exhibit annexed thereto, which sets forth the terms and conditions for a
proposed settlement and final resolution of the Action upon the terms and conditions set forth

1 therein; and the Court having read and considered the Settlement Agreement and the exhibit
2 annexed thereto;

3 NOW, THEREFORE, IT IS HEREBY ORDERED:

4 1. This Order incorporates by reference the definitions in the final version of the
5 Settlement Agreement which has been filed with the Court and all terms defined therein shall
6 have the same meaning in this Order as set forth in the Settlement Agreement;

7 2. The Court hereby preliminarily certifies the Class for settlement purposes only.
8 For the purposes of this settlement, the Class is defined as: all persons employed by San Ysidro
9 Health and classified as a nonexempt, hourly-paid employee from December 15, 2016, to March
10 24, 2023. Should for whatever reason the Settlement not become final, the fact that the Parties
11 were willing to stipulate to class certification as part of the Settlement shall have no bearing on,
12 nor be admissible in connection with, the issue of whether a class should be certified in a non-
13 settlement context;

14 3. Aggrieved Employees shall mean those persons employed by Defendant as non-
15 exempt employees in the State of California at any time during the PAGA Period of April 20,
16 2020 to March 24, 2023;

17 4. The Court hereby authorizes the retention of ILYM Group, Inc. as Settlement
18 Administrator for the purpose of this Settlement;

19 5. The Court hereby preliminarily finds that James R. Hawkins, Isandra Fernandez,
20 and Lance Dacre of the law firm of James Hawkins, APLC may act as counsel for the Class. The
21 Court further conditionally finds that Plaintiff Alexandria Ilene Kabitzke may act as the class
22 representative for the Class;

23 6. The Court hereby preliminarily APPROVES the proposed Court Approved Notice
24 of Class Action Settlement and Hearing Date for Final Court Approval ("Class Notice") (The
25 Class Notice is attached hereto as Exhibit 1). The Court further finds that the Class Notice
26 appears to fully and accurately inform the Class Members of all material elements of the
27 proposed Settlement Agreement, of the Class Members' right to be excluded from the Class,
28

and of each Class Member's right and opportunity to object to the Settlement. The Class Notice shall be mailed to the Class Members as set forth in the Settlement Agreement;

7. The Court finds on a preliminary basis that the Settlement Agreement appears to be within the range of reasonableness of a settlement that could ultimately be given final approval by this Court. It appears to the Court on a preliminary basis that the settlement amount is fair, adequate, and reasonable to all potential Class Members when balanced against the probable outcome of further litigation relating to liability and damages issues. It further appears that investigation and research have been conducted such that counsel for the Parties, at this time, are able to reasonably evaluate their respective positions. It further appears to the Court that settlement at this time will avoid substantial additional costs by all Parties, as well as avoid the delay and risks that would be presented by the further prosecution of the Action. It further appears that the Settlement has been reached as the result of serious and non-collusive, arms-length negotiations;

8. The Court orders the following implementation schedule for further proceedings:

Preliminary approval order.	
Deadline for Defendants to provide the Class List to the Settlement Administrator.	_____, 2023 (within twenty (20) calendar days after Court Grants Preliminary Approval).
Mail notices to Settlement Class Members.	_____ 2023 (within fifteen (15) calendar days after Settlement Administrator Receives Class List from Defendant).
Deadline for postmark by registered mail of any Request for Exclusion.	_____ 202_ (forty-five (45) days after Settlement Administrator first mails Notice of Class Settlement to Settlement Class Members).

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Deadline for receipt by the Settlement Administrator of any objections to the Settlement.	_____ 2024 (forty-five (45) days after Settlement Administrator first mails Notice of Class Settlement to Settlement Class Members).
Deadline for Class Counsel to file Motion for Final Approval of Settlement.	_____ 2024
Final Fairness and Final Approval Hearing.	_____ 2024

IT IS SO ORDERED.

Dated: _____

Hon. Gregory Pollack
Judge of the San Diego County Superior Court