

AEGIS LAW FIRM, PC

KASHIF HAQUE, State Bar No. 218672
SAMUEL A. WONG, State Bar No. 217104
JESSICA L. CAMPBELL, State Bar No. 280626
FAWN F. BEKAM, State Bar No. 307312
9811 Irvine Center Drive, Suite 100
Irvine, California 92618
Telephone: (949) 379-6250
Facsimile: (949) 379-6251
Email: fbekam@aegislawfirm.com

Attorneys for Plaintiff Terra J. Tupper,
individually and on behalf of all others similarly situated.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

TERRA J. TUPPER, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

NATIONAL PSYCHIATRIC CARE AND
REHABILITATION SERVICES, INC.;
FAIR OAKS RESIDENTIAL
TREATMENT FACILITY LLC;
NATIONAL HOME HEALTH SERVICES,
INC.; and DOES 1 through 20, inclusive,

Defendants.

Case No. 34-2022-00326696

*Assigned for all purposes to
Hon. Lauri A. Damrell, Dept. 28*

**PROPOSED ORDER GRANTING
MOTION FOR APPROVAL OF PAGA
SETTLEMENT AND ENTERING
JUDGMENT**

Date: December 1, 2023
Time: 9:00 a.m.
Dept.: 28

1 The Court has received and considered the PAGA Settlement Agreement between
2 Plaintiff Terra J. Tupper, as an individual, and on behalf of the people of the State of California
3 and as an “aggrieved employee” acting as a private attorney general under the Labor Code Private
4 Attorneys General Act of 2004, § 2699, *et seq.* (“PAGA”) and Defendant National Psychiatric
5 Care and Rehabilitation Services, Inc. in the above-captioned action.

6 **NOW THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:**

7 The Court hereby approves the Parties’ proposed PAGA Settlement and hereby enters
8 FINAL JUDGMENT based on the terms set forth in the Parties’ Settlement in favor of Plaintiff
9 and the Aggrieved Employees in the amount of \$318,000.00. Of this total amount, \$106,000.00
10 (or 1/3) is awarded as attorney fees paid to Plaintiff’s Counsel, \$12,230.55 is awarded as costs
11 paid to Plaintiff’s Counsel, and \$3,950.00 is awarded as administrative costs paid to the
12 Settlement Administrator, Phoenix Settlement Administrators. The Court orders the Settlement
13 Administrator to carry out its duties as set forth in the PAGA Settlement Agreement
14 (“Settlement”). This Order of Approval of PAGA Settlement and Judgment incorporates the
15 Settlement. This Judgment also incorporates by reference the definitions in the Settlement, and
16 all terms defined therein shall have the same meaning as set forth in the Settlement .

17 Upon Defendants’ fulfillment of its payment obligations under the Agreement, the
18 California Labor Workforce Development Agency (“LWDA”) and any other representative,
19 proxy, or agent thereof, including, but not limited to any and all Aggrieved Employees during the
20 PAGA Period, are precluded from pursuing any action for civil penalties under PAGA against the
21 Released Parties as set forth in the Settlement. The PAGA Release of Claims is defined in section
22 5.2 of the Agreement.

23 Upon Defendants’ fulfillment of its payment obligations under the Agreement, an in
24 exchange for the Enhancement Payment to Plaintiff, Plaintiff provides a general release of claims
25 as set forth in 5.1 and 5.1.1.

26 The Settlement is not an admission by Defendants or of any of the Released Parties of the
27 validity of any claims in this lawsuit or of any wrongdoing. Neither this Order of Approval and
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1 Judgment nor the Settlement may be used as an admission by or against Defendants or the
2 Released Parties.

3 This Judgment is intended to be a final disposition in its entirety of the above captioned
4 action. Without affecting the finality of this judgment in any way, the Court retains jurisdiction
5 of all matters relating to the interpretation, administration, implementation, effectuation, and
6 enforcement of the Settlement pursuant to C.C.P. § 664.6, including after entry of this Order and
7 Judgment.

8 The Parties are ordered to comply with the terms of the Settlement. The Court hereby
9 enters final judgment based upon the terms of this Order and Settlement.

10 IT IS SO ORDERED.

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12 Dated: _____

13 Hon. Lauri A. Damrell
14 Judge of the Superior Court, County of Sacramento
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