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and Proposed Class Counsel

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

MARY MAGDALENA MEJIA,
individually and on behalf of all similarly
situated individuals,

Plaintiff,

v.

TOURO UNIVERSITY MEDICAL
GROUP, a California corporation, TOURO
UNIVERSITY CALIFORNIA, form of
entity unknown, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: STK-CV-UOE-2023-953

*Assigned to the Honorable Barbara Kronlund,
Dept. 10D*

CLASS ACTION

**~~PROPOSED~~ ORDER AND JUDGMENT
GRANTING FINAL APPROVAL OF CLASS
AND PAGA ACTION SETTLEMENT**

Date: September 17, 2024
Time: 9:00 a.m.
Dept.: 10D

Complaint Filed: February 3, 2023

SEP -5 2024

FILE BY FAX

1 Plaintiff's Motion for an Order Granting Final Approval of the proposed Class and PAGA
2 Action Settlement came before this Court on September 17, 2024. The above-captioned Action is
3 a class action lawsuit brought by Plaintiff Mary Magdalena Mejia ("Mejia" or "Plaintiff") against
4 Defendants Touro University Medical Group and Touro University ("Defendants") (collectively,
5 the "Parties"). Plaintiff alleges, on behalf of a class of Defendants' current and former employees,
6 that Defendants failed to pay all wages due, failed to provide meal and rest periods or compensation
7 in lieu thereof, failed to pay wages due timely upon separation of employment, and failed to comply
8 with itemized wage statement provisions. Defendants deny any and all alleged wrongdoing and
9 deny any liability to the Plaintiff or to members of the Settlement Class. Defendants contend that
10 that they have complied at all times with California law, including the California Labor Code, the
11 Industrial Commission Wage Orders, and the California Business and Professions Code.

12 On May 24, 2024, this Court entered an Order Granting Preliminary Approval of
13 Settlement, resulting in certification of the following provisional Settlement Class: all individuals
14 who currently or previously have worked for either of the Defendants [Touro University Medical
15 Group and Touro University (aka "Touro University California")] in California in hourly-paid, non-
16 exempt classified positions at any time during the Class Period [February 3, 2019, through and
17 including April 12, 2024].

18 The Aggrieved Employees are defined as: all individuals who currently or previously have
19 worked for either of the Defendants in California in hourly-paid, non-exempt classified positions
20 at any time during the PAGA Period [January 19, 2021, through and including April 12, 2024].

21 That Order further directed the Parties to provide Notice to the Settlement Class, which
22 informed absent class members in both English and Spanish of: (a) the proposed Settlement, and
23 the Settlement's key terms; (b) the date, time and location of the Final Approval Hearing; (c) the
24 right of any Class Member to object to the proposed Settlement, and an explanation of the
25 procedures to exercise that right; (d) the right of any Settlement Class Member to exclude
26 themselves from the proposed Settlement, and an explanation of the procedures to exercise that
27

1 right; and (e) an explanation of the procedures for class members to participate in the proposed
2 settlement.

3 The Court, upon Notice having been given as required in the Preliminary Approval Order,
4 and having considered the Class Action and PAGA Representative Action Settlement Agreement,
5 as well as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

6 1. This Court has jurisdiction over the subject matter of the Action and over all Parties
7 to the Action, including all members of the Settlement Class and all Aggrieved Employees.

8 2. The Court finds that the Settlement Class is properly certified for settlement
9 purposes only.

10 3. The Notice provided to the Settlement Class conforms with the requirements of
11 California Code of Civil Procedure section 382, California Civil Code section 1781, California
12 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other
13 applicable law, and constitutes the best notice practicable under the circumstances, by providing
14 individual notice to all Settlement Class Members who could be identified through reasonable
15 effort, and by providing due and adequate notice of the proceedings and of the matters set forth
16 therein to the Settlement Class Members. The notice fully satisfied the requirements of due process.

17 4. The Court finds the settlement was entered into in good faith, that the settlement is
18 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
19 requirements for final approval of this class action settlement under California law, including the
20 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
21 3.769.

22 5. The Court approves the Gross Settlement Amount of One Million Nine Hundred
23 Fifty Thousand Dollars (\$1,950,000).

24 6. Zero (0) Settlement Class Members have objected to the terms of the Settlement.

25 7. Four (4) Settlement Class Members have requested exclusion from the Settlement.
26 The following individuals are excluded from the class Settlement and are not bound by the terms
27

1 of the class release, but remain Aggrieved Employees bound by the release of PAGA claims:
2 Suzanne Awalt, Lauren Patrick, Elaine Paurel and Theresa Tacdiran.

3 8. Upon entry of this Order, compensation to the participating members of the
4 Settlement Class and Aggrieved Employees shall be affected pursuant to the terms of the Settlement
5 Agreement.

6 9. In addition to any recovery that Plaintiff may receive from the Net Settlement
7 Amount, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
8 hereby approves the payment of a Class Representative Service Payment to Plaintiff Mary
9 Magdalena Mejia in the amount of Fifteen Thousand Dollars (\$15,000). This shall be paid from
10 the Gross Settlement Amount.

11 10. The Court approves the payment of attorneys' fees to Class Counsel, Gaines &
12 Gaines, APLC, in the sum of Six Hundred Eighty-Two Thousand Five Hundred Dollars (\$682,500),
13 and the reimbursement of litigation expenses in the sum of Twelve Thousand Six Hundred Sixty-
14 Four Dollars and Thirty-Seven Cents (\$12,664.37). This shall be paid from the Gross Settlement
15 Amount.

16 11. The Court approves and orders payment in the amount of Ten Thousand Dollars
17 (\$10,000) to Phoenix Settlement Administrators for performance of its settlement administration
18 services. This shall be paid from the Gross Settlement Amount.

19 12. The Court approves and orders payment in the amount of Seventy-Five Thousand
20 Dollars (\$75,000) to the California Labor and Workforce Development Agency for its 75% share
21 of PAGA penalties. This shall be paid from the Gross Settlement Amount.

22 13. Upon the entry of this Order and Judgment, and subject to the occurrence of the
23 Effective Date, Plaintiff, all participating Settlement Class Members, all Aggrieved Employees,
24 and the State of California shall be bound by the Released Class Claims and Released PAGA
25 Claims as set forth in the Settlement Agreement.

26 14. This "Judgment" is intended to be a final disposition of the above captioned action
27 in its entirety and is intended to be immediately appealable.
28

1 15. This Court shall retain jurisdiction with respect to all matters related to the
2 administration and consummation of the settlement, and any and all claims, asserted in, arising out
3 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to
4 the settlement and the determination of all controversies relating thereto.
5

6 **IT IS SO ORDERED.**

7 Dated: SEP 17 2024

8 
9 JUDGE OF THE SUPERIOR COURT
10 **BARBARA A. KRONLUND**