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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 GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date:

Time:

Dept.:

Complaint Filed: February 3, 2023

1 Plaintiff Mary Magdalena Mejia's ("Plaintiff") Unopposed Motion for Preliminary
2 Approval of Class Action Settlement came on for hearing before this Court in Department 10D,
3 Judge Barbara Kronlund presiding, on _____ at or about _____.m. The
4 Court, having considered the papers submitted in support of the motion and having heard oral
5 argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Class Action and PAGA Representative Action Settlement Agreement ("Settlement")
8 filed with the Court. The settlement appears to be fair, adequate, and reasonable to the Class;

9 2. The Settlement falls within the range of reasonableness and appears to be
10 presumptively valid, subject only to any objections that may be raised at the final hearing;

11 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
12 Class Action Settlement and Final Hearing ("Notice"), attached to the Settlement as Exhibit A, and
13 the Request for Exclusion form ("Exclusion Form"), attached to the Settlement as Exhibit B;

14 4. The Court directs the mailing of the Notice and Exclusion Form by first class mail
15 to the Class Members in accordance with the schedule set forth below. The Court finds that the
16 dates selected for the mailing and distribution of the Notice and Exclusion Form, as set forth herein,
17 meet the requirements of due process and provide the best notice practicable under the
18 circumstances and shall constitute due and sufficient notice to all persons entitled thereto;

19 5. It is ordered that the Settlement Class is preliminarily certified for settlement
20 purposes only. The Settlement Class is defined as follows: [A]ll individuals who currently or
21 previously have worked for either of the Defendants [Touro University Medical Group and Touro
22 University (aka "Touro University California")] in California in hourly-paid, non-exempt classified
23 positions at any time during the Class Period [February 3, 2019, through and including April 12,
24 2024];

25 6. The Court preliminarily approves the Gross Settlement Amount of One Million Nine
26 Hundred Fifty Thousand Dollars (\$1,950,000).

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28 \\\

1 7. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
2 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
3 of up to 35% of the Gross Settlement Amount (or \$682,500) and documented litigation costs of up
4 to \$25,000 to Class Counsel, subject to final approval by the Court following a further motion by
5 Class Counsel;

6 8. The Court approves and appoints Plaintiff Mary Magdalena Mejia as the Class
7 Representative and grants preliminary approval to a proposed Class Representative Service
8 Payment in an amount not to exceed \$15,000;

9 9. The Court grants preliminary approval of the Private Attorneys General Act
10 payment of \$100,000 as the PAGA Penalties, with \$75,000 to be paid to the Labor and Workforce
11 Development Agency and \$25,000 allocated to the Individual PAGA Payments;

12 10. The Court hereby approves Phoenix Settlement Administration as the Administrator
13 and grants preliminary approval of the payment of fees and other charges of the Administrator in
14 an amount not to exceed \$10,000;

15 11. The Court orders the following schedule of dates for the specified actions/further
16 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendants to provide to the Administrator all Class Member identifying information in Defendants' possession including, for each Class Member, their name, last-known mailing address, last known telephone number, Social Security number, email address (if known and available to Defendants), number of Workweeks worked during the Class Period, and number of PAGA Pay Periods worked during the PAGA Period ("Class Data")	20 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Administrator to mail the Class Notice Packet to Class Members via U.S. Mail	14 calendar days after Administrator's receipt of Class Data
Last day for Class Members to submit a written exclusion or objection to Administrator	60 calendar days after the initial mailing of the Class Notice to Class Members

<u>EVENT</u>	<u>TIMING</u>
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days before the final settlement approval hearing date
Final settlement approval hearing	_____, at _____ .m. The Parties suggest the final approval hearing be held approximately 115 days after this preliminary approval order is signed.

Dated: _____

JUDGE OF THE SUPERIOR COURT