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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SEVAG CHALIAN, an Individual,
Individually and on behalf of all others
similarly situated and the general public,

Plaintiff,

vs.

CVS PHARMACY, INC., a Rhode
Island corporation; CVS RX
SERVICES, INC., a New York
corporation; GARFIELD BEACH CVS,
LLC, a California limited liability
company; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.: 2:16-cv-8979-AB-AGR

Assigned to Hon. André Birotte Jr.

[CLASS ACTION]

**[PROPOSED] ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT, SETTING A
FINAL APPROVAL HEARING,
AND APPROVING OF NOTICE
TO THE CLASS**

1 The Court, having fully reviewed the Parties' Joint Motion for Preliminary
2 Approval of Class Action Settlement, the supporting Points and Authorities, the
3 declarations in support thereof, the fully-executed Global Settlement Agreement
4 ("Settlement Agreement") attached as Exhibit "1" to the Declarations of Michael
5 S. Morrison, and the proposed Notice of Global Class Settlement and Release of
6 Claims attached as Exhibit "A" to the Settlement Agreement, and in recognition of
7 the Court's duty to make a preliminary determination as to the reasonableness of
8 any proposed Class Action settlement, and if preliminarily determined to be
9 reasonable, to ensure proper notice is provided to Class Members in accordance
10 with due process requirements; and to conduct a Final Approval hearing as to the
11 good faith, fairness, adequacy and reasonableness of any proposed settlement,
12 HEREBY MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

13
14 1. The Court finds, on a preliminary basis, that the Final Settlement Agreement
15 appears to be within the range of reasonableness of a settlement which could
16 ultimately be given final approval by this Court; the Court notes that Defendants
17 CVS Pharmacy, Inc., CVS Rx Services, Inc., and Garfield Beach CVS, LLC, have
18 agreed to pay \$36,000,000 in full satisfaction of the claims as more specifically
19 described in the Settlement Agreement;

20 It further appears to the Court, on a preliminary basis, that the settlement is
21 fair and reasonable to Class Members when balanced against the probable outcome
22 of further litigation, liability and damages issues, and potential appeals of rulings.
23 It further appears that significant formal and informal discovery, investigation,
24 research, and litigation has been conducted, such that counsel for the Parties at this
25 time are able to reasonably evaluate their respective positions. It further appears
26 that settlement at this time will avoid substantial costs, delay and risks that would
27 be presented by continued prosecution of the litigation. It also appears that the
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1 proposed Settlement has been reached as the result of intensive, informed and non-
2 collusive negotiations between the Parties;

3
4 ACCORDINGLY, GOOD CAUSE APPEARING, THE MOTION FOR
5 ORDER OF PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT
6 IS HEREBY GRANTED.

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8 2. The Court finds that the Notice of Class Action Settlement and Release of
9 Claims fully advises Class Members of the proposed settlement, of preliminary
10 Court approval of the proposed Settlement, exclusion and objection timing and
11 procedures, dispute resolution procedures, and of the Final Approval Hearing.
12 These documents fairly and adequately advise Class Members of the terms of the
13 proposed Settlement and the benefits available to Class Members thereunder, as
14 well as their right to exclude themselves from the Class and the procedures for
15 doing so, and of the Final Approval Hearing and the right of Class Members to file
16 documentation in objection and to appear in connection with said hearing; the
17 Court further finds that said Notice comports with all constitutional requirements
18 including those of due process;

19
20 ACCORDINGLY, GOOD CAUSE APPEARING, THE COURT HEREBY
21 APPROVES THE PROPOSED NOTICE OF PROPOSED CLASS ACTION
22 SETTLEMENT.

23
24 3. The mailing to the present and last known addresses of the Class Members
25 constitutes an effective method of notifying Class Members of their rights with
26 respect to the Settlement; ACCORDINGLY, IT IS HEREBY ORDERED as
27 follows:

1 (a) Within fourteen (14) days, Defendants shall provide the appointed
2 Claims Administrator, Simpluris, a list in electronic form of the names, last known
3 addresses, telephone numbers and email addresses (to the extent readily available),
4 and dates of employment of all Class Members;

5 (b) Within twenty (20) calendar days, the Claims Administrator,
6 Simpluris, shall mail to each member of the Settlement Class, by first class,
7 postage pre-paid, the Notice of Class Action Settlement and Release of Claims,
8 and a postage-paid envelope addressed to the Claims Administrator. All mailings
9 shall be made to the present and/or last known mailing address of the Class
10 Members based on Defendants' records, as well as addresses that may be located
11 by the Claims Administrator, who will conduct standard address searches in cases
12 of returned mail. The Court finds that the mailing of notices to Class Members as
13 set forth in this paragraph is the best means practicable by which to reach Class
14 Members and is reasonable and adequate pursuant to all constitutional and
15 statutory requirements including all due process requirements;

16
17 4. IT IS FURTHER ORDERED that all:

18 (c) Requests for Exclusion must be mailed to the Claims Administrator,
19 postmarked on or before the 45th day after the Notice Packet was mailed to the
20 relevant Class Member and received within seven (7) days of the close of the
21 Notice Period;

22 (d) Objections must be mailed to the Claims Administrator as described
23 in the Class Notice and must be postmarked on or before the 45th day after the
24 Notice Packet was mailed to the relevant Class Member and received within seven
25 (7) days of the close of the Notice Period;

26
27 5. IT IS FURTHER ORDERED that the Final Approval Hearing shall be held
28 before the undersigned at 10:00 a.m., on October 23, 2026, in Courtroom 7B at the

1 above-entitled court located at 350 West 1st Street, Los Angeles, California 90012
2 to consider the fairness, adequacy and reasonableness of the proposed Settlement
3 preliminarily approved by this Order of Preliminary Approval, and to consider the
4 application of Class Counsel for an award of reasonable attorneys' fees, litigation
5 expenses, Class Representative Service Payment, and for costs of claims
6 administration incurred;

7
8 6. IT IS FURTHER ORDERED that all briefs in support of final approval of
9 the Settlement and for Award of Attorneys' Fees, Costs, Class Representative
10 Service Awards shall be served and filed with the Court by September 21, 2026,
11 and shall be made available for Class Members to access and review on a website
12 maintained by the Settlement Administrator.

13
14 7. IT IS FURTHER ORDERED that any party to this case, including Class
15 Members, may appear at the Final Approval Hearing in person or by counsel, and
16 may be heard to the extent allowed by the Court, in support of or in opposition to,
17 the Court's determination of the good faith, fairness, reasonableness and adequacy
18 of the proposed Settlement, the requested attorneys' fees and litigation expenses,
19 and any Order of Final Approval and Judgment regarding such Settlement, fees
20 and expenses; provided, however, that no person, except Class Counsel and
21 counsel for Defendants, shall be heard in opposition to such matters unless such
22 person has complied with the conditions set forth in the Settlement Agreement and
23 the Notice of Proposed Class Action Settlement and Release of Claims which
24 conditions are incorporated herein;

25
26 8. IT IS FURTHER ORDERED that in the event of the occurrence of the
27 Settlement Effective Date, as defined in the Settlement Agreement, all Class
28 Members, except those who have requested exclusion from the settlement, and

1 their successors shall conclusively be deemed to have given full releases of any
2 and all Released Claims as defined in the Settlement Agreement against
3 Defendants and their parent companies, subsidiaries, partners, benefit plans, plan
4 fiduciaries and/or administrators, business units, shareholders, members, and all of
5 its and their predecessors and successors, officers, directors, agents, employees and
6 assigns, and all persons acting through, under or in concert with them (“Released
7 Parties”) and all such Class Members and their successors shall be permanently
8 enjoined and forever barred from asserting any Released Claims against any
9 Released Parties as described by the Settlement Agreement;

10
11 9. IT IS FURTHER ORDERED that if, for any reason, the Court does not
12 execute and file an Order of Final Approval, or if the Settlement Effective Date
13 does not occur for any reason whatsoever, the proposed Settlement Agreement and
14 the proposed Settlement that is the subject of this Order and all evidence and
15 proceedings had in connection therewith, shall be without prejudice to the *status*
16 *quo ante* rights of the parties to the litigation as more specifically set forth in the
17 Settlement Agreement.

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19 10. IT IS FURTHER ORDERED that, pending further order of this Court, all
20 proceedings in this matter except those contemplated herein and in the Settlement
21 Agreement are stayed.

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1 The Court expressly reserves the right to adjourn or continue the Final Approval
2 Hearing from time to time without further notice to the Class Members.

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4 **IT IS SO ORDERED.**

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7 DATED: _____

The Honorable André Birotte Jr.
Judge of the United States District Court for
the Central District of California