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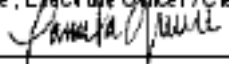
[Additional Attorneys on Next Page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

ELDER CARE ALLIANCE AND ALMAVIA
WAGE AND HOUR CASES

Case No.: RG21090600 (Lead Case)
JCCP No. 5141

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

FILED
Superior Court of California
County of Alameda
06/12/2025
Clad Flake, Executive Officer / Clerk of the Court
By:  Deputy
P. Greene

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Attorneys for Plaintiff Maria Tabuyo

1 The court issued a tentative ruling on April 7, 2025, on this matter. Having considered the
2 amended Parties' Joint Stipulation of Class Settlement and Release Between Plaintiffs and Defendant
3 ("Settlement"), the Court hereby makes a final ruling that the PAGA settlement is approved pursuant to
4 Labor Code § 2699. Good cause appearing therefore, the Court hereby GRANTS Plaintiffs' Motion for
5 Preliminary Approval of Class Action Settlement.

6 **IT IS HEREBY ORDERED:**

7 1. The Court hereby preliminarily approves the ^{Amended 4/3/2025} Class Action Settlement Agreement
8 ("Agreement") ~~attached as Exhibit 1 to the Declaration of Robert Ottinger in Support of Plaintiffs~~
9 ~~Motion for Preliminary Approval of Class Action Settlement.~~ This is based on the Court's determination
10 that the terms within the Agreement are within the range of possible final approval, pursuant to the
11 provisions of Section 382 of the California Code of Civil Procedure.

12 2. This Order incorporates by reference the definitions in the Agreement, and all terms
13 defined therein shall have the same meaning in this Order as set forth in the Agreement.

14 3. It appears to the Court on a preliminary basis that the Gross Settlement Amount of Five
15 Million Five Hundred Thousand Dollars (\$5,500,000.00) and the terms of the Settlement are fair,
16 adequate and reasonable as to all potential Settlement Class Members when balanced against the
17 probable outcome of further litigation relating to certification, liability and damages issues. It further
18 appears that investigation and research have been conducted such that counsel for the Parties are able
19 to reasonably evaluate their respective positions. It further appears to the Court that settlement at this
20 time will avoid substantial additional costs by all Parties, as well as avoid the delay and risks that
21 would be presented by the further prosecution of this Action. It further appears that the Settlement
22 has been reached as the result of intensive, serious and non-collusive, arms-length negotiations.

23 4. The court will decide the amount of any service award, including attorney's costs and
24 fees at the Final Approval Hearing.

25 5. The Court orders that the Administrator withholds in their trust, 10% of any fee award
26 until the completion of the distribution process and Court's approval of a Final Accounting.

27 6. The Court hereby approves that any unclaimed funds will be distributed to cy pres
28 beneficiary, Legal Aid at Work. Funds will only be distributed upon Court's final approval of a Final

Accounting.

7. The Court preliminarily finds that the Settlement appears to be within the range of reasonableness of a settlement that could ultimately be given final approval by this Court. The Court has reviewed the monetary recovery that is being granted as part of the Settlement and preliminarily finds that the monetary settlement awards made available to Class Members is fair, adequate, and reasonable when balanced against the probable outcome of further litigation relating to certification, liability, and damages issues.

8. The Court recognizes that Plaintiff and Defendant agree to certification of a class for settlement purposes only. This will not be deemed admissible in this, or any other proceeding should this Settlement not become final. For settlement purposes only, the Court conditionally certifies the following Class: “all current and former hourly-paid or non-exempt employees of Defendants, Elder Care Alliance, Elder Care Alliance of San Francisco d/b/a AlmaVia of San Francisco, Elder Care Alliance of San Rafael, and Mercy Retirement and Care Center in California employed between January 13, 2017 through the date of preliminary approval of class settlement, or 90 days after the signing of the Memorandum Of Understanding memorializing the settlement reached on April 6, 2023 between Plaintiffs and Defendants, whichever is sooner.”

9. The Court concludes that, for settlement purposes only, the Class meets the requirements for certification under section 382 of the California Code of Civil Procedure in that: (a) the Class is ascertainable and so numerous that joinder of all members of the Class is impracticable; (b) common questions of law and fact predominate, and there is a well-defined community of interest amongst the members of the Class with respect to the subject matter of the litigation; (c) the claims of the named Plaintiffs are typical of the claims of the members of the Class; (d) the Class Representatives will fairly and adequately protect the interests of the members of the Class; (e) a class action is superior to other available methods for the efficient adjudication of this controversy; (f) counsel for the Class is qualified to act as counsel for the Class.

10. The Court provisionally appoints Plaintiffs as the Class Representatives for the Class.

11. The Court provisionally appoints Robert Ottinger of The Ottinger Firm, P.C.; Brian St. John, Arby Aiwazian, Joanna Ghosh of Lawyers for Justice, PC; Justin Lo of Work Lawyers, PC; and

1 John G. Yslas and Jeffrey C. Bils of Wilshire Law Firm as Class Counsel for the Class.

2 12. The Court hereby approves, as to form and content, the Notice of Class Action
3 Settlement and Release of Claims attached to the Declaration of Robert Ottinger In Support of Plaintiffs'
4 Motion for Preliminary Approval of Class Action as **Exhibit 2**.

5 13. Settlement Class Members may submit written objections by following the instructions
6 that are set forth in the Class Notice. Alternatively, Settlement Class Members shall be entitled to be
7 heard at the final approval hearing (whether individually or through separate counsel) or to orally
8 object to the Settlement at the final approval hearing. Settlement Class Members who fail to submit
9 written objections or fail to make oral objections at the final approval hearing shall be deemed to have
10 waived any objections to the Settlement.

11 14. The Settlement is not a concession or admission and shall not be used against
12 Defendants as an admission or indication with respect to any claim of any fault or omission by
13 Defendants. Whether or not the Settlement is finally approved, neither the Settlement, nor any
14 document, statement, proceeding or conduct related to the Settlement, nor any reports or accounts
15 thereof, shall in any event be construed as, offered or admitted into evidence as, received as or deemed
16 to be evidence for any purpose adverse to the Defendant, including, but not limited to, evidence of a
17 presumption, concession, indication or admission by Defendant of any liability, fault, wrongdoing,
18 omission, concession or damage.

19 15. In the event the Settlement does not become effective in accordance with the terms of
20 the Agreement, or the Settlement is not finally approved, or is terminated, canceled or fails to become
21 effective for any reason, this Order shall be rendered null and void and shall be vacated, and the Parties
22 shall revert to their respective positions as of before entering into the Agreement.

23 16. The Court reserves the right to adjourn or continue the date of the final approval hearing
24 and all dates provided for the Agreement without further notice to Class Members and retains
25 jurisdiction to consider all further applications arising out of or connected with the proposed
26 Settlement.

27 17. No later than twenty-one (21) days after the Court enters an Order Granting Preliminary
28 Approval of the Settlement, Defendant will provide to the Settlement Administrator an electronic

1 database containing each Class Member's Class Data.

2 18. Within fourteen (14) days of receiving the Class Data from Defendant, the Settlement
3 Administrator shall mail the Class Notice Packets to all Class Members via first-class regular U.S.
4 Mail using the mailing address information provided by Defendant.

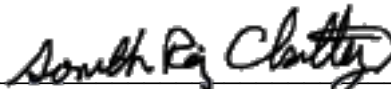
5 19. The final approval hearing will be held on September 9, 2025, in Department 21 of the
6 Superior Court of Alameda County.

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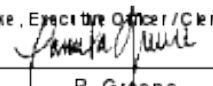
8 ///

9 **IT IS SO ORDERED.**

10
11 Dated: 6/12/2025



HONORABLE JUDGE OF THE
ALAMEDA COUNTY SUPERIOR COURT
Somnath Raj Chatterjee / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612		FILED Superior Court of California County of Alameda 06/13/2025 Chad Finke, Executive Officer / Clerk of the Court By:  Deputy P. Greene
PLAINTIFF/PETITIONER: Yesenia Arias et al		
DEFENDANT/RESPONDENT: Elder Care Alliance, Inc. et al		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: RG21090600

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order [PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

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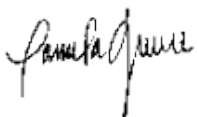
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Chad Finke, Executive Officer / Clerk of the Court

Dated: 06/13/2025

By:


P. Greene, Deputy Clerk