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and Proposed Class Counsel

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

MAYRA DIAZ, on behalf of herself and
on behalf of all similarly situated
individuals,

Plaintiff,

v.

KAWEAH DELTA HEALTH CARE
DISTRICT, a California public entity, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO: VCU297155

*Assigned to the Honorable Bret D. Hillman,
Dept. 2*

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT**

Date: October 22, 2024
Time: 8:30 a.m.
Dept.: 2

Action Filed: April 3, 2023

1 The unopposed motion of proposed Plaintiffs Mayra Diaz and Robert Villareal
2 (“Plaintiffs”) for Preliminary Approval of Class and Representative Action Settlement came on for
3 hearing before this Court in Department 2, Judge Bret D. Hillman presiding, on October 22, 2024
4 at 8:30 a.m. The Court, having considered the papers submitted in support of the motion and having
5 heard oral 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 proposed Settlement Agreement for Class and Representative Action (the “Settlement”)
8 filed with the Court. The settlement appears to be fair, adequate, and reasonable to the Class;

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

12 3. The Court approves, as to form and content, the Notice of Class Action Settlement
13 and Hearing Date for Court Approval, attached to the Settlement as Exhibit 1;

14 4. The Court directs the mailing of the Notice, by first class mail to the Settlement
15 Class Members in accordance with the schedule set forth below. The Court finds that the dates
16 selected for the mailing and distribution of the Notice, as set forth herein, meet the requirements of
17 due process and provide the best notice practicable under the circumstances and shall constitute
18 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: All current and former non-exempt
21 employees of Defendant who worked anytime during the period of October 19, 2019 and June 27,
22 2021 and whose time was rounded (“Rounding Sub-Class”); and all current and former non-exempt
23 employees of Defendant who were subject to on-call time during any workweek from October 19,
24 2019 through the date of preliminary approval of the Settlement (“On-Call Sub-Class”).

25 6. “PAGA Aggrieved Employees” is defined as: All On-Call Subclass Members who
26 were subject to on-call time during any workweek from April 3, 2022 through the date of
27 preliminary approval (“PAGA Period”).

28 7. The Court approves and appoints Gaines & Gaines, APLC and Stonebrook Law as
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Class Counsel, and grants preliminary approval of an award of attorneys' fees of up to one-third of the Class Settlement Amount (or \$158,333.33) and documented litigation costs of up to \$15,000 to Class Counsel, subject to final approval by the Court following a further motion by Class Counsel;

8. The Court approves and appoints Plaintiffs Mayra Diaz and Robert Villareal as the Class Representatives and grants preliminary approval to proposed Class Representative Enhancement Payments to Plaintiffs Mayra Diaz and Robert Villareal in an amount not to exceed \$7,500 each, subject to final approval by the Court following a further motion by the Class Representatives;

9. The Court grants preliminary approval of the allocation of \$50,000 to settle the representative claims under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$37,500) shall be paid directly to the LWDA and 25% (\$12,500) will be paid to PAGA Aggrieved Employees.

10. The Court hereby approves and appoints Phoenix Settlement Administrators as the Settlement Administrator and grants preliminary approval of the payment of fees and other charges of the Settlement Administrator in an amount not to exceed \$32,500; and

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including each Class Member's full name, most recent mailing address, telephone number, Social Security number, dates of employment (i.e., hire date and termination date, if applicable), the total workweeks worked for each Class Member during each Sub-Class Period, and the total Pay Periods worked for each PAGA Aggrieved Employee (the "Class List")	14 calendar days after service of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail the Notice to Class Members	14 calendar days after Settlement Administrator's receipt of the Class List
Last day for Class Members to submit a written exclusion request to the Settlement Administrator	45 calendar days after the initial mailing of the Notice to Class Members

<u>EVENT</u>	<u>TIMING</u>
Last day for Class Members to submit an objection to the Settlement Administrator	45 calendar days after the initial mailing of the Notice to Class Members
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 Settlement 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. (approximately 110 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT