

SANI LAW, APC
Sam Sani (SBN 273993)
595 E. Colorado Blvd., Suite 522
Pasadena, CA 91101
Telephone: (310) 935-0405
Facsimile: (310) 935-0409
ssani@sanilawfirm.com

Attorneys for Plaintiff
JOSELINE AVALOS

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

BILLY GUZMAN, individually and behalf of
all other similarly situated,
Plaintiffs,

vs.

VALLEY COMMUNITY HEALTHCARE, a
California corporation, and DOES 1
through 10, inclusive,

Defendants.

JOSELINE AVALOS, individually and on
behalf of others similarly situated,

Plaintiff,

vs.

VALLEY COMMUNITY HEALTHCARE, a
California corporation; and DOES 1 through
50, inclusive,

Defendants.

FILED
Superior Court of California
County of Los Angeles
09/16/2024

David W. Slayton, Executive Officer / Clerk of Court

By: A. Morales Deputy

Lead Case No.: 19STCV08367

Related Case No.: 23STCV19705

*[Assigned for ALL Purposes to the Honorable
Judge Lawrence P. Riff – Department 7]*

**REVISED ~~PROPOSED~~ ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

~~**PROPOSED**~~ **ORDER**

Plaintiff Joseline Avalos’ (hereinafter “Plaintiff”) Motion for Preliminary Approval of Class Action Settlement (“Motion”) came on regularly for hearing before this Court on September 12, 2024, at 9:00 a.m. The Court, having considered Plaintiff’s Motion, the memorandum of points and authorities in support thereof, and the supporting declarations filed therewith, including the Class Action and PAGA Settlement Agreement (“Settlement”) attached as Exhibit A to the Declaration of Sam Sani filed in support of the Motion, and good cause appearing, **HEREBY ORDERS THE FOLLOWING:**

1. The Court **GRANTS** preliminary approval of the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness Hearing, subject to Plaintiff and Defendant Valley Community Healthcare (“Defendant”) incorporating the following changes to the Settlement and to the Court Approved Notice of Class Action Settlement and Hearing Date for Final Court Approval (“Notice”) before administration of the notice process:¹

- a. Escalator Clause: The Parties shall amend the Settlement at section 8 to confirm that the Escalator Clause has not been triggered and is inapplicable;
- b. PAGA Dollar Amount: The Parties shall amend the Agreement at sections 3.2.5. and 3.2.5.1, and the Notice at page 8, to confirm that 25% of the PAGA Penalties to be distributed to Aggrieved Employees shall be \$21,250.00 and not \$16,250;
- c. Court Department: The Parties shall amend the Notice at page 10, section 9, to correct the Court’s Department as Department 7 and not Department 9.

2. For purposes of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and there is a sufficiently well-defined community of interest among the members of the Settlement Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following Settlement Class:

¹ The Parties’ counsel represented to the Court at the September 12, 2024 hearing on the Motion that the Parties shall incorporate the delineated changes to the Settlement and the Notice before administration of the notice process.

1 All current and former non-exempt, hourly paid employees who worked for
2 Defendant Valley Community Healthcare within the State of California at any time
3 during the period from January 20, 2021, through the earlier of (1) the date the
Court signs the Preliminary Approval Order or (2) August 19, 2024 (“Class
Period”).

4 3. For purposes of the Settlement, the Court designates named Plaintiff Joseline
5 Avalos as Class Representative, and designates Sam Sani of Sani Law, APC as Class Counsel.

6 4. The Court designates Phoenix Class Action Administrations as the third-party
7 Claims Administrator for mailing notices.

8 5. The Court approves, as to form and content, the Notice attached as Exhibit B to
9 the Declaration of Sam Sani filed in support of the Motion.

10 6. The Court finds that the form of notice to the Settlement Class regarding the
11 pendency of the action and of the Settlement, and the methods of giving notice to members of the
12 Settlement Class, constitute the best notice practicable under the circumstances, and constitute
13 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
14 giving notice complies fully with the requirements of *California Code of Civil Procedures* § 382,
15 *California Civil Code* § 1781, *California Rules of Court* 3.766 and 3.769, the California and
16 United States Constitutions, and other applicable law.

17 7. The Court further approves the procedures for Settlement Class Members to opt
18 out of or object to the Settlement, as set forth in the Notice and the Settlement.

19 8. The procedures and requirements for filing objections in connection with the Final
20 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
21 presentation of any Settlement Class Member’s objection to the Settlement, in accordance with
22 the due process rights of all Settlement Class Members.

23 9. The Court directs the Claims Administrator to mail the Notice, attached as Exhibit
24 B to the Declaration of Sam Sani filed in support of the Motion, to the members of the Settlement
25 Class in accordance with the terms of the Settlement.

26 10. The Class Notice shall provide at least 60 calendar days’ notice for members of
27 the Settlement Class to submit disputes, opt out of, or object to the Settlement.

28 11. The Final Fairness Hearing on the question of whether the Settlement should be

1 finally approved as fair, reasonable, and adequate is scheduled in Department 7 of this Court,
2 located at 312 Spring Street Los Angeles, California 90012, on January 15, 2025 at 10:00 a.m.

3 12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
4 should be approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a
5 judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's
6 application for an enhancement payment, claims administration costs, Labor and Workforce
7 Development Agency's ("LWDA") share of PAGA penalties, and Class Counsel's attorneys' fees
8 and costs should be granted.

9 13. Counsel for the Parties shall file memoranda, declarations, or other statements and
10 materials in support of their request for final approval of Plaintiff's application for an
11 enhancement payment, claims administration costs, and Class Counsel's attorneys' fees and costs
12 no later than December 20, 2025.

13 14. An implementation schedule is below:

Event	Date
Defendant to provide class contact information to Claims Administrator no later than:	Within 15 calendar days after entry of Order granting preliminary approval of Settlement
Claims Administrator to mail the Class Notice to the Settlement Class no later than:	Within 14 calendar days from Claims Administrator's receipt of class contact information from Defendant
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	Within 60 calendar days of the date of the Claims Administrator's initial mailing of the Class Notice to Settlement Class
Final Fairness Hearing:	January 15, 2025

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24 15. Pending the Final Fairness Hearing, all proceedings in this action, other than
25 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
26 Order, are stayed.
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1 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures
2 in connection with the administration of the Settlement that are not materially inconsistent with
3 either this Order or the terms of the Settlement.

4 **IT IS SO ORDERED.**



A handwritten signature in black ink, appearing to read "Lawrence P. Riff".

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6 Dated: 09/16/2024, 2024

Lawrence P. Riff / Judge

Honorable Lawrence P. Riff
Judge of the Superior Court