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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

QUINCY O'NEAL, individually and on behalf
of others similarly situated and on behalf of
other aggrieved employees,

Plaintiff,

vs.

INCLUDED HEALTH, INC., FORMERLY
KNOWN AS GRAN ROUNDS, INC., a
Delaware corporation; and DOES 1 through
25, inclusive,

Defendants.

Case No. CGC-23-608391

Honorable Andrew Y.S. Cheng
Department 613

**DOCUMENT REPRODUCING ORDER
CONTINUING PRELIMINARY APPROVAL
HEARING AND VACATING CASE
MANAGEMENT CONFERENCE**

Date: December 26, 2024
Time: 9:00 a.m.
Dept.: 613

Complaint Filed: August 15, 2023
FAC Filed: January 2, 2024
Trial Date: Not Set

1 Plaintiff Quincy O’Neal (“Plaintiff”) provides this document reproducing the Court’s Order
2 Continuing Preliminary Approval Hearing and Vacating Case Management Conference (“Order
3 Continuing MPA Hearing”) filed on November 8, 2024 as part of the Court’s requirement of
4 reproducing the Court’s Order Continuing MPA Hearing and citing to the exact sections in the parties’
5 briefing that address each of the Court’s points in the Order Continuing MPA Hearing.

6 **I. Commonality and Predominance**

7 There appear to be common issues of law and fact, as “Plaintiff alleges that Defendant denied
8 compliant meal and rest periods to employees, required employees to perform work off-the-clock,
9 failed to fully compensate employees for all time actually worked, and failed to reimburse employees
10 for business-related expenses. These policies and practices meant that Defendant allegedly failed to
11 pay minimum and overtime wages, and other related claims. Plaintiff alleges that Defendant’s policies
12 and practices were uniform as to all Class Members.” (MPA at 16-17.) Named Plaintiff should submit
13 a declaration attesting that common issues predominate. (O’Neal Decl. ¶ 1-14.)

14 **Section(s):**

15 Amended Declaration of Plaintiff Quincy O’Neal in Support of Motion for Preliminary
16 Approval of Class Action and PAGA Settlement, ¶ 6.

17 **II. Typicality and Adequacy**

18 Plaintiff’s counsel’s adequacy is supported by sufficient evidence. (Genish Decl. ¶¶ 2-7.)

19 Named Plaintiff must submit a declaration demonstrating his typicality and adequacy. (O’Neal
20 Decl. ¶¶ 1-14).

21 **Section(s):**

22 Amended Declaration of Plaintiff Quincy O’Neal in Support of Motion for Preliminary
23 Approval of Class Action and PAGA Settlement, ¶¶ 4-12.

24 **III. Reasonableness**

25 Class Counsel calculated Defendant’s total potential exposure of the claims to be
26 approximately \$2,609,182.00. (Genish Decl. ¶¶ 27-28.) The settlement amount is \$415,000.00, which
27 is approximately 16% of the exposure. The Court cannot sufficiently determine the reasonableness of
28 the settlement based on the current explanation. (*Id.*, ¶¶ 27-42.) Counsel must provide a declaration

1 addressing why counsel discounted the claims at the current rate and the reasonableness of these
2 discounts.

3 **Section(s):**

4 Supplemental Declaration of Jonathan M. Genish in Support of Plaintiff's Motion for
5 Preliminary Approval of Class Action and PAGA Settlement, ¶¶ 5-6.

6 **IV. Notice**

7 There are the following issues with the Notice:

- 8
 - Does this Notice need to be in any other language besides English?

9 **Section(s):**

10 Supplemental Declaration of David Cheng in Support of Plaintiff's Motion for Preliminary
11 Approval of Settlement, ¶ 6.

- 12
 - The parties should list in bold that the Court's website is free to use. Include
13 instructions on how a Class Member can look at the documents in person at the
14 courthouse.

15 **Section(s):**

16 Notice of Class Action Settlement, § VI, attached to the Amendment No. 1 to Joint Stipulation
17 of Class Action and PAGA Settlement as Exhibit A, which is attached to the Supplemental Declaration
18 of Jonathan M. Genish in Support of Plaintiff's Motion for Preliminary Approval of Class Action and
19 PAGA Settlement as Exhibit 2.

20 **V. Release**

21 Plaintiff's general release appears to be overbroad. The parties must explain why all of these
22 Acts are included. (SA ¶ 40.)

23 **Section(s):**

24 Supplemental Declaration of David Cheng in Support of Plaintiff's Motion for Preliminary
25 Approval of Settlement, ¶¶ 3-5.

26 **VI. Miscellaneous Issues**

27 Further Settlement Agreement & Notice Documents: For future purposes, if the parties make
28 edits to the Settlement Agreement or Notice documents, the parties should provide both a clean and

1 redlined version in its supplemental filings. This will assist the Court in discerning whether the parties
2 have sufficiently addressed all of the Court's previously outlined concerns.

3 **Section(s):**

4 Supplemental Declaration of Jonathan M. Genish in Support of Plaintiff's Motion for
5 Preliminary Approval of Class Action and PAGA Settlement, Exh. 2 and 3.

6 Further Briefing: For future settlement approval motions in this Court, including this one, the
7 parties should be advised that (in addition to briefing) the parties must submit a separate document to
8 Department613ComplexLit@sftc.org reproducing the Court's Order, and citing to the exact sections
9 in the parties' briefing (i.e., Settlement, Declarations, etc.) that address each of the Court's points in the
10 previous Order.

11 **Section(s):**

12 This document should address the Court's concerns with respect to this issue.

13 Dated: November 25, 2024

BLACKSTONE LAW, APC

14
15 By: 

Jonathan M. Genish

Attorneys for Plaintiff Quincy O'Neal