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Attorneys for Plaintiff MARIELA MENDEZ,
on behalf of herself and others similarly situated

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

MARIELA MENDEZ on behalf of herself
and others similarly situated,

Plaintiff,

vs.

MIRACLE MILE HEALTHCARE CENTER,
LLC; and DOES 1 to 100, inclusive,

Defendants.

Case No.: 23STCV31849
Related Case No. 24STCV05211

CLASS ACTION

*[Assigned for all purposes to the Hon. Stuart
Rice, Dept. 1]*

**~~PROPOSED~~ AMENDED ORDER
GRANTING PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Hearing Information:
Date: February 5, 2025
Time: 10:30 a.m.
Dept.: 1

FILED
Superior Court of California
County of Los Angeles

03/17/2025

David W. Stryker, Executive Officer / Clerk of Court

By: _____ A. He _____ Deputy

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1 The Motion for Preliminary Approval of a Settlement came before this Court on February 5,
2 2025, at 10:30 a.m., or as soon thereafter as the matter can be heard in Department 1 of the Los
3 Angeles County Superior Court – Spring Street Courthouse located at 312 N Spring Street, Los
4 Angeles, CA 90012. The Court, having considered the proposed Class Action and PAGA Settlement
5 Agreement and Class Notice entered into by and between Plaintiff Mariela Mendez (“Plaintiff
6 Mendez”) and Plaintiff Magda Perez (“Plaintiff Perez”) (collectively “Plaintiffs”) and Miracle Mile
7 Healthcare Center, LLC (“Defendants”) attached as **Exhibit 1** to the Declaration of Eric J. Naessig
8 in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action and PAGA Settlement
9 filed on March 5, 2025, and the Exhibits attached thereto (hereafter collectively, the “Settlement” or
10 “Settlement Agreement”); having considered the Motion for Preliminary Approval of Class Action
11 Settlement filed by the parties; having considered the respective points and authorities and
12 declarations submitted by the parties in support thereof; and good cause appearing, HEREBY
13 ORDERS THE FOLLOWING:

14 The Court grants preliminary approval of the settlement as set forth in the Settlement and
15 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
16 granted approval by the Court at the Final Fairness Hearing. For purposes of the Settlement only, the
17 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-
18 defined community of interest among the Class in questions of law and fact. Therefore, for settlement
19 purposes only, the Court grants conditional certification of the following “Class” defined as follows:

20 1. Any person employed by Defendant in California and classified as an hourly, non
21 exempt employee who worked for Defendant during the Class Period. The “Class Period” is the period
22 from December 1, 2022, through April 23, 2024.

23 2. For purposes of the Settlement only, the Court further designates named Plaintiff
24 Mariela Mendez and Plaintiff Magda Perez as Class Representatives, and Joseph Lavi, Esq. and
25 Vincent C. Granberry, Esq., Jovahn Wiggins, Esq., and Eric J. Naessig, Esq., of Lavi & Ebrahimian,
26 LLP and Daniel J. Hyun, Esq. and David Alami, Esq. of Torus LLP as Class Counsel.

27 3. The Court appoints Phoenix Settlement Administrators as the Settlement
28 Administrator.

4. A final fairness hearing on the question of whether the proposed Settlement should be finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled in Department 1 of this Court, located at 312 N Spring Street, Los Angeles, CA 90012 on August 11, 2025, at 10:30 a.m.

5. At the final fairness hearing, the Court will consider: (a) whether the Settlement should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting approval of the Settlement should be entered; and (c) whether Plaintiffs' application for an award of Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, and Class Representative Service Payments should be granted.

6. The Settlement Agreement identifies the Gross Settlement Amount and the maximum amounts for the Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, Administration Expenses, PAGA Penalties, and Class Representative Service Payments as follows, from which the minimum Net Settlement Amount can be calculated:

Gross Settlement Amount	\$250,000.00
Class Counsel Fees Payment	\$83,332.50
Class Counsel Litigation Expenses Payment	\$30,000.00
Administration Expenses	\$9,000.00
PAGA Penalties	\$25,000.00
Class Representative Service Payments	\$20,000.00 (\$10,000.00 sought for each Plaintiff)
Net Settlement Amount	\$82,667.50

7. Though Plaintiffs seek Class Representative Service Payments in the amount of \$10,000.00 for each Plaintiff, the Court has indicated that, absent substantial justification, it will likely award \$7,500.00 to each Plaintiff. The Court's granting of this order does not indicate that it will grant the amount requested by Plaintiffs.

8. Counsel for the Parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval by no later than 16 court days prior to the final fairness hearing.

1 9. Class Counsel shall file a motion for an award of Class Counsel Fees Payment, Class
2 Counsel Litigation Expenses Payment, and Class Representative Service Payments no later than 16
3 court days prior to the final fairness hearing.

4 10. The Court approves, as to form and content, the Class Notice which is appended to
5 the Settlement Agreement.

6 11. No later than fifteen (15) days following the date the Court enters this order, Defendant
7 shall provide the following information to the Settlement Administrator: Class Member identifying
8 information in Defendant's possession including the Class Member's name, last-known mailing
9 address, Social Security number, number of Class Period Workweeks and PAGA Pay Periods. ("Class
10 Data").

11 12. Within fourteen (14) calendar days after receiving the Class Data, the Settlement
12 Administrator shall disseminate the Class Notice to all the Class Members identified in the Class Data
13 by first-class U.S. Mail.

14 13. Class Members shall have sixty (60) calendar days from the date the Settlement
15 Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion
16 from the Settlement or fax, email, or mail an Objection to the Settlement ("Response Deadline").
17 Class Members to whom Notice Packets are resent after having been returned undeliverable to the
18 Administrator shall have an additional fourteen (14) calendar days after the Response Deadline has
19 expired.

20 14. The Court finds that the forms of Class Notice to the Class regarding the pendency
21 of the action and of this Settlement, and the methods of giving notice to members of the Settlement
22 Class constitute the best notice practicable under the circumstances and constitute valid, due, and
23 sufficient notice to all members of the Class. They comply fully with the requirements of California
24 Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court
25 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

26 15. The Court further approves the procedures for Class Members to participate in, opt
27 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.
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1 16. Class Members who wish to exclude themselves from (opt-out of) the Class
2 Settlement must send the Administrator, by fax, email, or mail, a signed written Request for
3 Exclusion not later than 60 days after the Administrator mails the Class Notice (plus an additional
4 14 days for Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter
5 from a Class Member or the Class Member's representative that reasonably communicates the Class
6 Member's election to be excluded from the Settlement and includes the Class Member's name,
7 address and email address or telephone number. To be valid, a Request for Exclusion must be timely
8 faxed, emailed, or postmarked by the Response Deadline.

9 17. Participating Class Members may send written objections to the Administrator, by
10 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire an
11 attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
12 Participating Class Member who elects to send a written objection to the Administrator must do so
13 not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional 14
14 days for Class Members whose Class Notice was re-mailed).

15 18. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
16 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
17 Order, are stayed.

18 19. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
19 connection with the administration of the Settlement, which are not materially inconsistent with
20 either this Order or the terms of the Settlement.

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20. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database	15 days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	14 days after receipt of the Class Data
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	60 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 Court days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 Court days prior to the final fairness hearing
Last day for the Parties to respond to Objections	5 court days prior to the final fairness hearing
Hearing on final approval of class action settlement.	August 11, 2025 at 10:30 AM

21. The Fairness Hearing and related prior deadlines set forth above may, from time to time and without further notice to the Class (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court. The Settlement Administrator will provide notice to any objecting Class Member if there is a change in the date and/or time of the Final Approval Hearing.

IT IS SO ORDERED.

Dated: March 17, 2025



A handwritten signature in black ink, appearing to read "Stuart M. Rice".

Stuart M. Rice / Judge

Hon. Stuart Rice
Judge of the Superior Court