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SHATAAE POATES, and CARMEN PRADO REYES

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN BERNARDINO**

12 Coordination Proceeding
Special Title (Rule 3.550)

13 BARSTOW POST ACUTE WAGE AND
14 HOUR CASES

15 Included actions:

16 BANKS, ET AL. V. BARSTOW POST
ACUTE LLC (San Bernardino Superior Court
17 Case No. CIVSB2416717)

18 NELSON V. BARSTOW POST ACUTE LLC
(Orange County Superior Court Case No. 30-
19 2024-01423982)

Case No.: JCCP5387

[Assigned for All Purposes to:
Hon. David E. Driscoll, Dept. S22]

**DECLARATION OF WILLIAM C. SUNG
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT IN
BANKS ACTION**

(Filed concurrently with Motion for
Preliminary Approval; Supporting
Declarations; and [Proposed] Order)

DATE: October 6, 2026

TIME: 8:30 a.m.

DEPT: S22

Action Filed: May 13, 2024

Trial Date: Not Set

1 The Motion of Plaintiffs LaFlorie Banks, Shataae Poates, and Carmen Prado Reyes
2 (“Plaintiffs”) for Preliminary Approval of Class Action and PAGA Settlement came on regularly for
3 hearing before this Court. This Court, having considered the proposed Class Action and PAGA
4 Settlement Agreement (the “Agreement” or “Settlement”) attached to the Declaration of William C.
5 Sung filed concurrently herein; having considered Plaintiffs’ Motion for Preliminary Approval of
6 Class Action and PAGA Settlement, Memorandum of Points and Authorities in support thereof, and
7 supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE
8 FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set forth
10 in the Settlement and finds its terms to be within the range of reasonableness of a settlement that
11 ultimately could be granted approval by the Court at a Final Approval Hearing. For purposes of the
12 Settlement, the Court finds that the proposed Class is ascertainable and that there is a sufficiently
13 well-defined community of interest among the members of the Class in questions of law and fact.
14 Therefore, for settlement purposes only, the Court grants conditional certification of the following
15 Class:

16 All current and former non-exempt employees who worked for Defendant Barstow
17 Post Acute LLC within the State of California during the Class Period of August 16,
2022 to April 11, 2026.

18 2. For purposes of the Settlement, the Court designates named Plaintiffs as Class
19 Representative and William C. Sung, Tiffany L. Luu, and Joseph C. Ramli of Justice for Workers,
20 P.C. as Class Counsel.

21 3. The Court designates Apex Class Action LLC as the third-party Administrator for
22 mailing notices.

23 4. The Court approves, as to form and content, the Class Notice attached as Exhibit A
24 to the Agreement.

25 5. The Court finds that the form of notice to the Class regarding the pendency of the
26 action and of the Settlement, and the methods of giving notice to Class Members, constitute the best
27 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all of
28 the Class Members. The form and method of giving notice complies fully with the requirements of

1 California Code of Civil Procedure section 382, California Civil Code section 1781, California
2 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable
3 law.

4 6. The Court further approves the procedures for the Class Members to opt out of or
5 object to the Settlement, as set forth in the Class Notice.

6 7. The procedures and requirements for filing objections in connection with the Final
7 Approval Hearing are intended to ensure the efficient administration of justice and the orderly
8 presentation of any Class Member's objection to the Settlement in accordance with the due process
9 rights of all members of the Class.

10 8. The Court directs the Administrator to mail the Class Notice to Class Members in
11 accordance with the terms of the Settlement.

12 9. The Class Notice shall provide at least forty-five (45) calendar days' notice for Class
13 Members to opt out of, or object to, the Settlement.

14 10. The Final Approval Hearing on the question of whether the Settlement should be
15 finally approved as fair, reasonable, and adequate is scheduled in Department S22 of this Court,
16 located at San Bernardino Justice Center, located at 247 W. Third Street, San Bernardino on
17 _____, 2026 at ____ a.m.

18 11. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
19 should be finally approved as fair, reasonable, and adequate for the Class; (b) whether a judgment
20 granting final approval of the Settlement should be entered; and (c) whether Plaintiffs' application
21 for reasonable attorneys' fees, reimbursement of litigation expenses, service award to Plaintiffs,
22 settlement administration costs, and payment to the Labor & Workforce Development Agency
23 ("LWDA") for penalties under the Labor Code Private Attorneys General Act should be granted.

24 12. Counsel for the parties shall file memoranda, declarations, or other statements and
25 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
26 expenses, Plaintiffs' service payment, payment to the LWDA, and settlement administration costs,
27 no later than 16 court days prior to the Final Approval Hearing.

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1 13. An implementation schedule is below:

2 Event	Date
3 Defendant to provide the Administrator 4 with the Class Data	Within 15 calendar days after entry of this Order
5 Administrator to mail the Class Notice	Within 14 calendar days after receiving the Class Data 6 from Defendant
7 Response Deadline for Class Members	Within 45 calendar days after the Administrator mails 8 the Class Notice (extended by 14 calendar days for any 9 re-mailed initial Class Notices)
10 Last Day to File a Motion for Final Approval of Class Action and PAGA Settlement	At least 16 court days before the Final Approval Hearing:
Final Approval Hearing	_____ at ____ a.m.

11 14. Pending the Final Approval Hearing, all proceedings in this Action, other than
12 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
13 Order, are stayed.

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

17 **IT IS SO ORDERED.**

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19 DATED: _____, 2026

20 Hon. David E. Driscoll
21 Judge of the Superior Court
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