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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

JUN 10 2025

DAVID H. YAMASAKI, Clerk of the Court

BY: M. NEVAREZ, DEPUTY

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

CECILIA DE LA PENA, on behalf of herself
and all others similarly situated

PLAINTIFFS,

v.

CHILDREN'S HOSPITAL OF ORANGE
COUNTY, a California Corporation; and
DOES 1 through 100, inclusive

DEFENDANTS.

Case No. 30-2018-01014749-CU-OE-CXC
CLASS ACTION

Assigned To: Hon. David A. Hoffer

~~[SECOND AMENDED PROPOSED]~~
**ORDER RE: PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA ACTION
SETTLEMENT AND FOR CLASS
COUNSEL FEES, COST
REIMBURSEMENT, SERVICE
PAYMENTS, ADMINISTRATION COSTS;
AND ENTERING OF JUDGMENT**

Date: May 30, 2025

Time: 10:00 a.m.

Dept.: CX103

Action Filed: August 27, 2018

Related Cases:

- 30-2020-01155679
- 30-2021-01232190

PROPOSED ORDER:

Plaintiffs Cecilia De La Pena, Ruben Vergara, and Joanna Hotagua's ("Plaintiffs") Motion for Final Approval of Class Action and Private Attorneys General Act ("PAGA") Action Settlement and for Class Counsel Fees, Cost Reimbursement, Service Payments, Administration Costs ("Motion for Final Approval") came on for hearing before this court, the Honorable David A. Hoffer presiding on May 30, 2025 at 10:00 a.m., Defendant Children's Hospital of Orange County ("Defendant" or "CHOC") did not oppose either motion.

Having received and considered the Class Action and PAGA Settlement Agreement and Class Notice and Amendment to Settlement Agreement (collectively "Settlement Agreement" or "Settlement"), the supporting papers filed by the Parties, and the evidence and argument received by the Court in conjunction with Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, and the instant Motion for Final Approval, the Court grants final approval of the Settlement and rules as follows:

1. Pursuant to the Preliminary Approval Order, the Class Notice was mailed to all members of the Class by first-class U.S. mail. The Class Notice informed the Class of the terms of the Settlement, of their right to receive their proportional Settlement Payment, of their right to request exclusion from the Class and the Settlement, of their right to comment upon or object to the Settlement and to appear in person or by counsel at the final approval hearing and of the date set for the Final Approval hearing. Adequate periods of time were provided by each of these procedures.

2. In response to the Class Notice, zero Class Member(s) filed written objections to the Settlement or stated an intention to appear at the final approval hearing and seven Class Members timely requested to be excluded from the Settlement. The Class Members who opted out are as follows: Angelica Guerrero, Michelle Phan, Anthony Johns, Davina Lance, Maricarmen Mercado, Emicarla, Mitchem, and Wanda Rodriguez.

3. The Court finds and determines that this notice procedure afforded adequate protections to Class Members and provides the basis for the Court to make an informed decision regarding approval of the Settlement based on the Class Members' response. The Court finds and

determines that the Class Notice provided in the Action was the best notice practicable, which satisfied the requirements of law and due process.

4. The Court further finds and determines that the terms of the Settlement are fair, reasonable and adequate to the Class and to each Participating Class Member and that the Settlement is ordered finally approved, and that all terms and provisions of the Settlement should be and hereby are ordered to be consummated.

5. The Court has certified a Class, as that term is defined in and by the terms of the Settlement, and the Court deems this definition sufficient for purposes of California Rule of Court 3.765(a).

6. The Court hereby approves the terms set forth in the Settlement and finds that the Settlement is, in all respects, fair, adequate, and reasonable, and directs the Parties to effectuate the Settlement according to its terms. The Court finds that the Settlement was reached as a result of informed and non-collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds that the Parties conducted extensive investigation, research, and discovery and that their attorneys were able to reasonably evaluate their respective positions. The Court also finds

that Settlement will enable the Parties to avoid additional and potentially substantial litigation costs, as well as delay and risks if the Parties were to continue to litigate the case. The Court has reviewed the monetary recovery provided as part of the Settlement and recognizes the significant value accorded to the Class.

7. The Court hereby confirms David P. Myers, Jason Hatcher, and Andriana N. Bravo of The Myers Law Group, A.P.C.; Armond Jackson, Andrea M. Fernandez-Jackson, and Anthony S. Filer, Jr, of Jackson Law, APC; and Kashif Haque, Samuel A. Wong, Jessica L. Campbell, and Carolyn M. Bell, of Aegis Law Firm, PC, as Class Counsel.

8. The Court hereby confirms Plaintiffs Cecilia De La Pena, Ruben Vergara, and Joanna Hotagua as the Class Representatives in this Action.

9. The Court finds and determines that the individual settlement payments provided for by the terms of the Settlement to be paid to the Participating Class Members are fair and reasonable. The Court hereby gives final approval to and orders the payment of those amounts be

made to the Participating Class Members in accordance with the terms of the Settlement.

10. The Court finds and determines that payment to the California Labor and Workforce Development Agency of \$210,000.00 as its share of the settlement of civil penalties in this case is fair, reasonable, and appropriate. The Court hereby gives final approval to and orders that the payment of that amount be paid in accordance with the Settlement.

11. The Court finds and determines that payment to the PAGA Employees of \$70,000.00 in settlement of civil penalties in this case is fair, reasonable, and appropriate. The Court hereby gives final approval to and orders the payment of that amount to be paid in accordance with the Settlement.

12. The Court finds and determines the Class Representative Service Payments of \$10,000 to Plaintiffs De La Pena, Vergara and Hotagua is fair and reasonable. The Court hereby orders the Administrator to make these payments to the Plaintiffs/Class Representatives in accordance with the terms of the Settlement.

13. The Court finds and determines that the payment to be paid to the Settlement Administrator, Phoenix Settlement Administrators ("PSA"), in the sum of \$42,500.00 for its fee and expenses incurred is fair and reasonable. The Court hereby orders the Administrator to make this payment to itself in accordance with the terms of the Settlement.

14. Pursuant to the terms of the Settlement, and the authorities, evidence and argument submitted by Class Counsel; the Court hereby awards Class Counsel attorney's fees in the sum of \$3,000,000.00 to Class Counsel for attorneys' fees (50% to The Myers Law Group, APC, 25% to Jackson APC, and 25% to Aegis Law Firm) and actual litigation costs of \$27,438.68 to Class Counsel for litigation costs (\$19,958.43 to The Myers Law Group, \$5,562.85 to Jackson APC, and \$1,917.40 to Aegis Law Firm). The Court finds such amounts to be fair and reasonable. The Court hereby orders the Settlement Administrator to make these payments in accordance with the terms of the Settlement.

15. The total net settlement fund that will be payable to all Participating Settlement Class Members and PAGA Employees, pursuant to the terms of the Settlement to which they are entitled pursuant to the Judgment, is \$6,690.061.32.

1 16. Neither Defendant nor any related persons or entities, nor Released Parties, shall
2 have any further liability for costs, expenses, interest, attorney's fees, or for any other charge,
3 expense, or liability, except as provided for by the Settlement.

4 17. Nothing in this Order shall preclude any action to enforce the Parties' obligations
5 pursuant to the Settlement or pursuant to this Order, including the requirement that Defendant
6 make payments to Participating Class Members or to enforce the releases in accordance with the
7 Settlement.

8 18. The Court hereby enters final judgment in this case in accordance with the terms of
9 the Settlement, Preliminary Approval Order, and this Order.

10 19. The Parties shall bear their own costs and attorney's fees except as otherwise
11 provided for by the Settlement and this Court's Order Granting Final Approval.

12 20. Upon execution of this Judgment, and upon the date Defendant transfers the Gross
13 Settlement Amount to the Administrator, all 8,247 Participating Settlement Class Members shall
14 be deemed to release the Released Parties for the Release by Participating Class Members for the
15 Class Period representing 1,163,775 total workweeks (comprised of 452,370 12 Hour Employees

16 Workweeks and 711,405 Non-12 Hour Employees Workweeks) and every PAGA Employee shall
17 be deemed to release the Released Parties for the Release by PAGA Employees for the PAGA
18 Period.

19 21. Upon execution of this Judgment, and upon the date Defendant transfers the Gross
20 Settlement Amount to the Administrator, Plaintiffs' Released Claims shall be deemed to be
21 conclusively released as against Defendant and the Released Parties, that includes a general release
22 pursuant to California Civil Code §1542, and pursuant to the terms in the Settlement.

23 22. Defendant and the Released Parties deny that they have engaged in any unlawful
24 activity, have violated the law in any respect, have any liability to anyone under the claims asserted
25 in the Action, or that but for the Settlement a class should be certified in the Action. Defendant
26 entered the Settlement solely for compromising highly disputed claims. Nothing in the Settlement,
27 this Order, or Judgment is an admission of liability or wrongdoing by Defendant or the Released
28 Parties, or an admission by Plaintiffs that the claims lacked merit or any defense asserted by

1 Defendant has merit. The Settlement and this Order are governed by California Evidence Code
2 §1152.

3 23. The Parties and PSA shall comply with Cal. Rules of Court, Rule 3.771(b) by
4 posting this Order and Judgment on PSA's dedicated website for this action.

5 24. A Final Accounting hearing is set for October 10, 2025 at 10:00 a.m. in Department
6 CX103. At least sixteen (16) calendar days before the hearing, Class Counsel and the Settlement
7 Administrator shall submit a summary accounting of the distribution of the settlement funds to
8 Participating Settlement Class Member and Aggrieved Employees, identifying the distributions
9 made pursuant to this Order and Judgment, and identifying the number and value of any uncashed
10 checks, and the status of any unresolved issues.

11 25. Plaintiffs are ordered to give notice to the Labor Workforce Development Agency
12 and to Defendant.

13 26. Without affecting the finality of this Order in any way, the Court retains jurisdiction
14 of all matters, parties and Participating Class Members (other than the Class Members who timely
15 requested to be excluded from the Settlement), to the fullest extent relating to the interpretation,
16 administration, implementation, effectuation and enforcement of this Order, Judgment and the
17 Settlement.

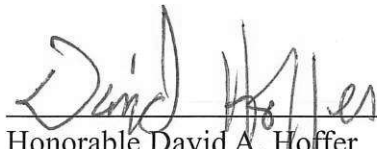
18 19 **JUDGMENT**

20 This document shall constitute a judgment for purposes of California Rules of Court, Rule
21 3.769(h). In accordance with, and for the reasons stated in this Order, judgment shall be entered
22 within the meaning and for purposes of Code of Civil Procedure sections 577, 904.1(a), and Rules
23 3.769, and 8.104 of the California Rules of Court whereby named Plaintiffs/Class Representatives
24 and all Participating Class Members shall take nothing from Defendant except as expressly set
25 forth in the Order re: Plaintiffs' Motion for Final Approval of Class Action and PAGA Action
26 Settlement and for Class Counsel Fees, Cost Reimbursement, Service Payments, Administration
27 Costs; Class Action and PAGA Settlement Agreement and Class Notice filed on June 11, 2024 and
28

1 Amendment to Settlement Agreement filed on December 30, 2024, in conjunction with the
2 Plaintiffs' Motion for Preliminary Approval Order of the Class and PAGA Action Settlement.

3
4 IT IS SO ORDERED.

5
6 DATED: 6/10/25


Honorable David A. Hoffer
Orange County Superior Court Judge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: De La Pena vs. Children's Hospital of Orange County

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC
SERVICE**

CASE NUMBER:
30-2018-01014749-CU-OE-CXC

I certify that I am not a party to this cause. I certify that that the following document(s), Order - Other dated 06/10/25, was transmitted electronically by an Orange County Superior Court email server on June 16, 2025, at 3:57:19 PM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

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CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE