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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **IN AND FOR THE COUNTY OF CONTRA COSTA**

15 KRISTINA MURDOCK, NOEL
16 HUDSON, and ALEXANDRA SOTO on
17 behalf of themselves and on behalf of all
18 persons similarly situated,

19 Plaintiffs,

20 vs.

21 ASPEN SURGERY CENTER, LLC, a
22 Limited Liability Company; SURGERY
23 PARTNERS, INC., a Corporation; and
24 DOES 1 through 50, inclusive,

25 Defendants.

CASE NO.: **MSC21-02047**

[Consolidated with Case No. MSC21-02137]

**AMENDED NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: March 28, 2024

Hearing Time: 9:00 a.m.

Judge: Hon. Charles S. Treat

Dept.: 12

Action Filed: October 1, 2021

Trial Date: Not set

26 **TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

27 YOU ARE HEREBY NOTIFIED THAT at 9:00 a.m. on March 28, 2024, in
28 Department 12 at the above entitled Court before the Honorable Charles S. Treat, Plaintiffs
Kristina Murdock, Noel Hudson and Alexandra Soto (“Plaintiffs”) will apply for an order:

(1) preliminarily approving the proposed settlement of this class action with Defendants Aspen Surgery Center, LLC and Surgery Partners, Inc. (“Defendants”); (2) for settlement purposes only, conditionally certifying the Class, which is comprised of “all individuals who are or previously worked for Defendants in California who were classified as non-exempt at any time during the Class Period”, which is October 1, 2017 to June 11, 2023 (excluding non-exempt hourly hospital workers employed by Heart Hospital of BK, LLC); (3) provisionally appointing Plaintiffs as the representatives of the Class; (4) provisionally appointing Norman B. Blumenthal, Kyle R. Nordrehaug, and Aparajit Bhowmik of Blumenthal Nordrehaug Bhowmik De Blouw LLP as Class Counsel; (5) approving the form and method for providing class-wide notice; (6) directing that notice of the proposed settlement be given to the class; (7) appointing ILYM Group as Administrator, and (8) scheduling a final approval hearing date, for the proposed date of August 15, 2024 which is at least 120 days from preliminary approval, to consider Plaintiffs’ motion for final approval of the settlement and for approval of attorneys’ fees and expenses.

This unopposed motion for preliminary approval of the class settlement is brought pursuant to California Rules of Court, rule 3.769. Plaintiffs’ motion will be based on this notice of motion and motion, the accompanying memorandum of points and authorities, the Declaration of Kyle Nordrehaug, the Declarations of the Plaintiffs, the Class Action and PAGA Settlement Agreement (“Agreement”) between the Parties, and the complete files and records in this action. Because all Parties have agreed to the proposed class settlement, this motion is not opposed by Defendants.

Respectfully submitted,

Dated: January 16, 2024

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

By: /s/ Kyle Nordrehaug
Kyle R. Nordrehaug, Esq.
Attorney for Plaintiffs