

1 Robert S. Arns, State Bar No. 65071 (rsa@arnslaw.com)
Jonathan E. Davis, State Bar No. 191346 (jed@arnslaw.com)
2 Kevin M. Osborne, State Bar No. 261367 (kmo@arnslaw.com)
3 Julie C. Erickson, State Bar No. 293111 (jce@arnslaw.com)

THE ARNS LAW FIRM

4 A Professional Corporation
5 515 Folsom St., 3rd Floor
San Francisco, CA 94109
6 Tel: (415) 495-7800
Fax: (415) 495-7888

7 Kathryn A. Stebner, State Bar No. 121088
8 George Kawamoto, State Bar No. 280358

STEBNER AND ASSOCIATES

9 870 Market Street, Suite 1212
10 San Francisco, CA 94102
Tel: (415) 362-9800
11 Fax: (415) 362-9801
12 Attorneys for Claimants

JAMS ARBITRATION

13
14
15 SHARON WALDMAN, DAVID RAUCH,
and TERESA MASCOLINA, Individually
16 and on Behalf of Themselves and All Other
Similarly Situated Employees,
17 Claimants,

18 v.

19 EMPRES HEALTHCARE
MANAGEMENT LLC, EVERGREEN AT
CHICO, LLC, EVERGREEN AT
20 OROVILLE, LLC, EVERGREEN AT
ARVIN, LLC, EVERGREEN AT
21 BAKERSFIELD, LLC, EVERGREEN AT
LAKEPORT, LLC, EVERGREEN AT
22 HEARTWOOD AVENUE, LLC,
EVERGREEN AT SPRING ROAD, LLC,
23 EVERGREEN AT TRACY, LLC,
EVERGREEN AT PETALUMA, LLC
24 EVERGREEN AT SALINAS, LLC, AND
EVERGREEN AT FULLERTON, LLC,
25 AND DOE 1,
26

27 Respondents.

Ref. No. 1100088580

~~PROPOSED~~ SUPPLEMENTAL
PARTIAL FINAL AWARD

Arbitrator: Hon. Robert Freedman (Ret.)

1 This Supplemental Partial Final Award is issued to supplement the Second Amended
2 Partial Award of March 20, 2018 which, in part, ordered dissemination of notice to the Settlement
3 Class. Following the mailing of the approved Class Notice by the Settlement Administrator on
4 March 29, 2019, it came to the attention of the Parties that as a result of a printing error, a portion
5 of the Settlement Class received notices from the Settlement Administrator which misstated the
6 total number of days during the Class Period that the Class Member worked. The Parties jointly
7 discussed potential corrective measures, and have proposed the following:

8 1) Mail a Supplemental Notice to Class Members.

9 a. If the Class Member was sent a notice which contained incorrect information
10 as to the number of days during the Class Period that the Class Member worked
11 (as contained in the Respondents' records) then the Supplemental Notice will
12 include the correct amount reflected in the records.

13 b. If the Class Member was sent a notice which contained the correct number of
14 days, that the Class Member be sent a notice which notifies them of the
15 extended dispute / opt-out deadline.

16 2) Extend the deadline to dispute records or opt-out of the Settlement until 45 days after
17 the mailing of the Supplemental Notice

18 The Parties have submitted a joint letter of April 18, 2018, which included two proposed
19 Supplemental Notices.

20 Having reviewed the Second Amended Partial Award previously entered in this arbitration,
21 the submissions of the Parties, this Supplemental Partial Final Award is now issued to allow the
22 Parties and Settlement Administrator to take the corrective steps they have outlined.

23 **IT IS THEREFORE ORDERED THAT:**

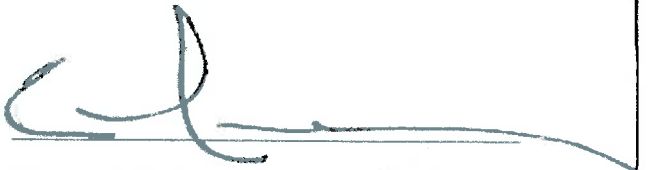
24 1. The Settlement Administrator shall send Settlement Class Members who received notices
25 with incorrect information forms a Supplemental Notice substantially similar to the
26 proposed Supplemental Notice attached to the Parties' Joint Letter of April 18, 2018 as
27 Exhibit 1.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. The Settlement Administrator shall send Settlement Class Members who received notices with correct information forms a copy of the Supplemental Notice substantially similar to the proposed Supplemental Notice attached to the Parties' Joint Letter of April 18, 2018 as Exhibit 2.
3. Any disputes as to the number of days worked or objections to the settlement shall be submitted not more than forty-five (45) calendar days after the mailing date of the Supplemental Notice.
4. Unless otherwise changed by this Supplemental Partial Final Award, all terms of the March 20, 2018 Second Amended Partial Final Award shall remain in place.
5. The burden of cost of the Supplemental Notice shall be distributed as follows:
 - a. The Settlement Administrator shall absorb \$800 of the actual cost of the Supplemental Notice.
 - b. Of the remainder, 50% shall be deducted from the attorney fees of Claimants, and 50% shall be deduced from the Net Settlement Amount. Claimants' Counsel shall file an accounting related to this transaction with their application for attorney fees and expenses, which is to be filed seven (7) days prior to the Final Hearing.

IT IS SO ORDERED.

Dated: April 20, 2018


Honorable Robert B. Freedman (Ret.)

PROOF OF SERVICE BY EMAIL & U.S. MAIL

Re: Waldman, Sharon, et al. vs. EmpRes Healthcare Management, LLC, et al.
Reference No. 1100088580

I, Aimee Hwang, not a party to the within action, hereby declare that on April 20, 2018, I served the attached Supplemental Partial Final Award on the parties in the within action by Email and by depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, at San Francisco, CALIFORNIA, addressed as follows:

Robert S. Arns Esq.
Mr Robert C Foss
Arns Law Firm
515 Folsom Street
3rd Floor
San Francisco, CA 94105
Phone: 415-495-7800
rsa@arnslaw.com
rcf@arnslaw.com
Parties Represented:
David Rauch
Sharon Waldman

Kathryn A. Stebner Esq.
George Kawamoto Esq.
Stebner & Associates
870 Market St.
Suite 1212
San Francisco, CA 94102
Phone: 415-362-9800
kathryn@stebnerassociates.com
george@stebnerassociates.com
Parties Represented:
David Rauch
Sharon Waldman
Theresa Mescelana

Laura K. Sitar Esq.
Pleiss Casey Sitar & Ross
5510 Trabuco Road
Irvine, CA 92620
Phone: 949-788-1790
lsitar@pcsrllaw.com
Parties Represented:
EmpRes Healthcare Management, LLC

I declare under penalty of perjury the foregoing to be true and correct. Executed at San Francisco, CALIFORNIA on April 20, 2018.



Aimee Hwang
ahwang@jamsadr.com