

1 David S. Harris (SBN 215224)
2 NORTH BAY LAW GROUP
3 116 E. Blithedale Avenue, Suite #2
4 Mill Valley, California 94941-2024
5 Telephone: 415.388.8788; Facsimile: 415.388.8770
6 dsh@northbaylawgroup.com

7 James Rush (SBN 240284)
8 LAW OFFICES OF JAMES D. RUSH
9 7665 Redwood Blvd., Suite 200
10 Novato, California 94945-1405
11 Telephone: 415.897.4801; Facsimile: 415.897.5316
12 jr@rushlawoffices.com

13 Attorneys for Plaintiffs
14 CORAL MCQUEEN and FELICIA TREVINO

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF NAPA

17 CORAL MCQUEEN and FELICIA
18 TREVINO, individually and on behalf of
19 all others similarly situated,

20 Plaintiff,

21 v.

22 ODD FELLOWS HOME OF
23 CALIFORNIA, a California corporation,
24 and DOES 1-100,

25 Defendants.

Case No. C-26-64176

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Assigned to the Honorable Diane M. Price

Date: August 21, 2015

Time: 8:30 a.m.

Place: Dept. F

ENDORSED

AUG 21 2015

CLERK OF THE NAPA SUPERIOR COURT
BY S. FERINA
DEPUTY

BY FAX

1 **WHEREAS**, an action is pending before the Court entitled McQueen et al. v. Odd Fellows
2 Home of California, Case No. C-26-64176;

3 **WHEREAS**, the Plaintiffs having made application for an order approving the settlement of this
4 action, in accordance with a Stipulation of Class Action Settlement and Release (“Settlement”) that sets
5 forth the terms and conditions for a proposed settlement of the litigation and for dismissal of the
6 litigation with prejudice upon the terms and conditions set forth therein;

7 **WHEREAS**, the Court having read and considered the Settlement; and

8 **WHEREAS**, all defined terms containing herein having the same meanings as those set forth in
9 the Settlement;

10 **IT IS HEREBY ORDERED:**

11 1. The Court hereby preliminarily approves the Settlement as being within the range of
12 possible approval and as disclosing no grounds to doubt its fairness.

13 2. Solely for purposes of the proposed settlement, a Settlement Class is hereby provisionally
14 certified pursuant to section 382 of the California Code of Civil Procedure as follows: all persons who
15 are or previously were employed as non-exempt or hourly employees of Odd Fellows Home of
16 California between May 23, 2010 and May 29, 2015.

17 3. Solely for purposes of the proposed settlement, the Court does hereby appoint David S.
18 Harris of the North Bay Law Group and James Rush of the Law Offices of James D. Rush as Class
19 Counsel; (b) Plaintiffs Coral McQueen and Felicia Trevino as Class Representatives and (c) Phoenix
20 Settlement Administrators as Claims Administrator.

21 4. On 11/19/15 at 8:30am in Dept F, or on such other date
22 and time as the Court may hereafter designate, a hearing shall be held before this Court, in Department F
23 or in such other Department as the Court may hereafter designate, to determine (a) whether the proposed
24 settlement of the litigation on the terms and conditions provided for in the Settlement is fair, reasonable,
25 and adequate, and (b) the amount of attorney’s fees and costs that should be awarded to Class Counsel
26 and the amount of the incentive payment to the Plaintiffs.

27 5. The Court approves, as to form and content, the Class Notice and Claim Form that are
28 attached as Exhibits 4 and 5 to the Declaration of David Harris in Support of Plaintiffs’ Motion for

1 Conditional Certification of Settlement Class and Preliminary Approval of Class-Action Settlement.

2 6. The Claims Administrator shall supervise and administer the notice procedure as more
3 fully set forth in the Settlement. Notice shall be mailed pursuant to the terms of Settlement.

4 7. All Settlement Class Members who do not exclude themselves from the Settlement shall
5 be bound by all determinations and judgments in the litigation concerning the settlement, whether
6 favorable or unfavorable to the Settlement Class. Any Settlement Class Member who wishes to be
7 excluded from the Settlement Class and not participate in the proposed settlement must submit a request
8 for exclusion as more fully set forth in the Settlement.

9 8. Any Member of the Settlement Class may enter an appearance in the litigation, at his or
10 her own expense, individually or through counsel of his or her own choice, by filing a Notice of
11 Intention to Appear (“Notice to Appear”). The Notice to Appear must be filed with the Court and also be
12 served on the Claims Administrator, Class Counsel and Defendant’s counsel. Any Member of the
13 Settlement Class who does not enter an appearance or exclude himself or herself from the Class—i.e.,
14 opt out of the settlement—will be represented by Class Counsel as to all of the released claims set forth
15 in the Settlement.

16 9. Class Members who do not exclude themselves from the Class—i.e. opt out of the
17 settlement—shall be permitted to object to the settlement. To object, a Class Member must file no later
18 than 45 days following the mailing of the class notice a written objection, with the Clerk of the Napa
19 County Superior Court, located at 825 Brown Street, Napa, California, 94559. The objection must also
20 be mailed to Class Counsel, Defendant’s counsel and the Claims Administrator.

21 10. All papers in support of the Plaintiffs’ Counsel’s request for reasonable attorney’s fees
22 and costs and in support of the request for an incentive award shall be filed and served no later than on
23 the date the Claims Administrator sends out the Claim Form and Class Notice.

24 11. All papers in support of the final approval of the settlement shall be filed and served no
25 later than 16 court days prior to the Final Approval Hearing.

26 ///

27 ///

28 ///

1 12. The Court reserves the right to adjourn the date of the final-approval hearing without
2 further notice to the Settlement Class Members, and the Court retains jurisdiction to consider all further
3 applications arising out of or connected with the proposed settlement.
4

5 **IT IS SO ORDERED.**
6

7 DATED: **AUG 21 2015**
8

DIANE M. PRICE

 HON. DIANE M. PRICE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28