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ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 07/05/2023
By Deputy: Ramirez-Perez, Hicet

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9 Attorneys for Plaintiff and the Proposed Classes

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF MONTEREY**

13 INGRID HANSEN-SCHOOLDERMAN, an
individual, on behalf of herself and others
14 similarly situated,

15 **PLAINTIFF,**

16 v.

17 SOUTHERN MONTEREY COUNTY
MEMORIAL HOSPITAL; and DOES 1 thru
18 50, inclusive,

19 **DEFENDANTS.**

CASE NO. 21CV003609

[Case Assigned for All Purposes to Hon.
Thomas W. Wills in Dept. 15]

20 **~~PROPOSED~~ AMENDED ORDER**
21 **GRANTING PRELIMINARY APPROVAL**
22 **OF CLASS ACTION SETTLEMENT**

Date: June 23, 2023
Time: 8:30 A.M.
Dept.: 15

Complaint Filed: November 12, 2021
Trial Date: None Set

1 The Motion for Preliminary Approval of the Class Settlement came before this Court on
2 June 23, 2023, the Honorable Thomas W. Wills, presiding. The Court, having considered the
3 papers submitted in support of the motion of the parties, **HEREBY ORDERS THE**
4 **FOLLOWING:**

5 1. The Court grants preliminary approval of the proposed settlement based upon the
6 terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement”) filed
7 herewith. The Agreement appears to be fair, adequate, and reasonable to the Class. The Court
8 finds that: (a) the Agreement resulted from extensive arm’s length negotiations; and (b) the
9 Agreement is sufficient to warrant notice of the Agreement to persons in the Class and a full
10 hearing regarding final approval of the Agreement.

11 2. For purposes of this Order, the proposed Class is defined as follows:

12 “All persons who are employed or have been employed as a non-
13 exempt employee by SOUTHERN MONTEREY COUNTY
14 MEMORIAL HOSPITAL, in the State of California during the
Covered Period.” (“Settlement Class Members” or “Class”)

15 3. The Class Period is from November 12, 2017 to March 7, 2023.

16 4. The Agreement falls within the range of reasonableness and appears to be
17 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
18 and final approval by this Court.

19 5. The Court makes the following preliminary findings for settlement purposes only:

20 A. The Class, which consists of approximately 660 persons, is so numerous that
21 joinder of all members is impracticable;

22 B. There appear to be questions of law or fact common to the Class for purposes
23 of determining whether this Settlement should be approved;

24 C. Plaintiff’s claims appear to be typical of the claims being resolved through
25 the proposed settlement;

26 D. Plaintiff appears to be capable of fairly and adequately protecting the
27 interests of the Settlement Class Members in connection with the proposed
settlement;

28 E. Common questions of law and fact appear to predominate over questions
affecting only individual persons in the Class. Accordingly, the Class

1 appears to be sufficiently cohesive to warrant settlement by representation;
2 and

3 F. Certification of the Class appears to be superior to other available methods
4 for the fair and efficient resolution of the claims of the Class.

5 6. The Court approves, as to form and content, the Notice of Class Action Settlement
6 to Settlement Class Members in substantially the form attached to the Agreement as Exhibit “A”.

7 7. The Court approves the procedure for Settlement Class Members to opt out to the
8 Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

9 8. The Court approves the procedure for Settlement Class Members to object to the
10 Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

11 9. The Court directs the mailing of the Notice of Class Action Settlement and related
12 documents to members of the Class by first class mail in accordance with the Agreement and the
13 implementation schedule set forth below. The Court finds that the dates selected for the mailing
14 and distribution of the notice, as set forth in the following implementation schedule, meet the
15 requirements of due process and provide the best notice practicable under the circumstances and
16 shall constitute due and sufficient notice to all persons entitled thereto.

17 10. It is ordered that the Class is preliminarily certified for settlement purposes only.

18 11. The Court confirms Eric B. Kingsley and Kelsey M. Szamet of Kingsley &
19 Kingsley, APC as Class Counsel.

20 12. The Court confirms INGRID HANSEN-SCHOOLDERMAN as Class
21 Representative.

22 13. The Court approves Phoenix Class Action Administration Solutions as the
23 Administrator.

24 14. The Court orders that pursuant to the California Private Attorneys General Act,
25 Labor Code §§ 2698, et seq. (“PAGA”), statutory notice of this Agreement has been and will
26 continue to be given to the Labor & Workforce Development Agency.

27 15. A final fairness hearing on the question of whether the proposed Agreement,
28 attorneys’ fees and costs to Class Counsel, the PAGA payment, and the claims administration costs
should be finally approved as fair, adequate, and reasonable as to the members of the Class is

1 scheduled for November 17, 2023 at 8:30 AM (Pacific Time), in Department 15.

2 16. The Court orders the following Implementation Schedule for further proceedings:

3	a.	Preliminary Approval Granted	June 23, 2023
4	b.	Deadline for Defendant to Provide Settlement Class Members' Information to Administrator	15 calendar days from Entry of Preliminary Approval
5	c.	Administrator Shall Mail Notice to Settlement Class Members	14 calendar days from receipt of the Class List from Defendant
6	d.	Deadline for Postmark of Any Request for Exclusion	60 Days from Mailing of Notices
7	e.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
8	f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	October 25, 2023
9	g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	October 25, 2023
10	h.	Final Approval Hearing	November 17, 2023

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18 17. IT IS FURTHER ORDERED that if the Court does not execute and file an Order
19 of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the
20 "Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the
21 subject of this Order shall become null, void, unenforceable and inadmissible in any judicial,
22 administrative or arbitral proceeding for any purpose, and all evidence, court orders and
23 proceedings had in connection therewith, shall be without prejudice to the status quo ante rights
24 of the Parties to the litigation, as more specifically set forth in the ("Agreement.

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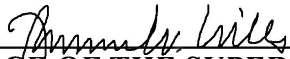
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1 18. IT IS FURTHER ORDERED that, pending further Order of this Court, all
2 proceedings in this matter except those contemplated herein and in the Agreement are hereby
3 stayed.

4 19. The Court expressly reserves the right to adjourn or continue the Final Fairness
5 Hearing from time to time without further notice to members of the Class.

6
7 **DATED:** June 29, 2023


8 **JUDGE OF THE SUPERIOR COURT**
9 **THOMAS W. WILLS**

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Michelle Tanzer

From: DIR PAGA Unit <lwdadonotreply@dir.ca.gov>
Sent: Tuesday, June 27, 2023 12:15 PM
To: Michelle Tanzer
Subject: Thank you for your Proposed Settlement Submission

External Email!

06/27/2023 12:14:51 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website:

https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Flabor.ca.gov%2FPrivate_Attorneys_General_Act.htm&data=05%7C01%7Cmichelle%40kingsleykingsley.com%7C5b1ac6e4ea9c4520e72c08db77443073%7C121a7875dbeb4c0fb25c5baf6c6ac7a5%7C1%7C0%7C638234906995390497%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=xSoCBHYgGzkK3etrYws6gm3z%2B%2B5SgbarxSQsZ%2BneWSE%3D&reserved=0



State of California
Labor and Workforce Development Agency /
Department of Industrial Relations

Private Attorneys General Act (PAGA) – Filing

Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : *

*Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".
[Search for PAGA Case number](#)*

The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.

Your Information (Person Who is Filing)

Your First Name *

Your Last Name *

Your Email Address *

Your Street Name, Number and Suite/Apt *

Your Mobile Phone Number

Your City *

Your Work Phone Number

Your State *

Your Zip/Postal Code *

Court and Hearing Information

Court *

Superior Court of Monterey

Court Case Number *

21CV003609

Hearing Date (if any)

Hearing Time

Hearing Location

Number of aggrieved employees *

660

Gross settlement amount *

124000000

Gross penalty amount *

20,000

Penalties to LWDA *

15,000

Date of proposed settlement *

05/17/2023

Proposed Settlement and Other Documents

Proposed Settlement *

Choose File Proposed Am...der - MPA.pdf

Other Attachment (if any)

Choose File No file chosen

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact PAGAInfo@dir.ca.gov

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules consistent with this notice.

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Submit

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(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On June 27, 2023, I served all interested parties in this action the following documents described as: **[PROPOSED] AMENDED ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

<p>FENTON & KELLER, APC Elizabeth R. Leitzinger Eleitzinger@fentonkeller.com Gladys Rodriguez-Morales gmorales@fentonkeller.com 2801 Monterey-Salinas Highway Post Office Box 791 Monterey, CA 93942</p> <p><i>Attorneys for Defendant</i></p>	<p>ABRAMSON LABOR GROUP William Zev Abramson Wza@abramsonlabor.com 3580 Wilshire Blvd., Ste 1260 Los Angeles, CA 90010-2513</p> <p><i>Attorneys for Plaintiff</i></p>
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[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused the document to be sent to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (BY ELECTRONIC SERVICE): I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing (“EF”) System (<https://dir.tfaforms.net/308>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (STATE): I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 27, 2023, at Encino, California.



Michelle Tanzer