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FILED
Superior Court of California
County of Los Angeles
01/19/2024
David W. Slayton, Executive Officer / Clerk of Court
By: A. He Deputy

6 Attorneys for Plaintiff
7 LOREÑA ELIZABETH SIBRIAN-FRANCO, individually and on
behalf of other persons similarly situated and aggrieved

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES

11 LORENA ELIZABETH SIBRIAN-FRANCO,
12 an individual, on behalf of himself and others
similarly situated and aggrieved,

Case No.: 19STCV21220

[Assigned for all purposes to the Honorable
Stuart M. Rice, Dept. 1]

13
14 Plaintiffs,

CLASS ACTION

15 vs.

AMENDED [~~PROPOSED~~] ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AGREEMENT

16 EAST VALLEY COMMUNITY HEALTH
CENTER, INC., a California corporation; and
17 DOES 1 through 50, inclusive

Date: January 5, 2023
Time: 10:30 a.m.
Dept.: 1

18 Defendants.

Complaint Filed: June 18, 2019
FAC Filed: September 19, 2019
Trial Date: Not Set

Accompanying Documents: Notice of
Motion and Motion for Preliminary
Approval of Class Action Settlement;
Declaration of Joshua D. Boxer; Declaration
of Citadelle B. Priagula; Declaration of Julie
Green of CPT Group, Inc.; Declaration of
Plaintiff Lorena Sibrian-Franco

Electronically Received 01/16/2024 05:18 PM

AMENDED ~~PROPOSED~~ ORDER

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2 Plaintiff Lorena Elizabeth Sibrian-Franco’ (“Plaintiff”) Motion for Preliminary Approval
3 of Class Action Settlement (“Motion”) came regularly for hearing before this Court on January 5,
4 ~~2023~~ 2024. The Court, having considered the proposed Joint Stipulation of Class Action and PAGA
5 Settlement (“Settlement” or “Agreement”), attached as Exhibit 1 to the Declaration of Joshua D.
6 Boxer filed concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary
7 Approval of Class Action Settlement, memorandum of points and authorities in support thereof,
8 and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE
9 FOLLOWING:

10 1. The Court GRANTS preliminary approval of the class action and PAGA action
11 settlement as set forth in the Agreement and finds its terms to be within the range of reasonableness
12 of a settlement that ultimately could be granted approval by the Court at a final fairness hearing.
13 All terms used herein shall have the same meaning as defined in the Agreement.

- 14 a. Under the Agreement, the gross settlement sum shall be **\$1,050,000**.
- 15 b. From the gross settlement amount, Plaintiff seeks attorneys’ fees of \$350,000; costs
16 of roughly \$35,000 (subject to proof at final approval); a service award to Plaintiff
17 of \$10,000; and administrative expenses of \$19,600. Further, the Agreement
18 allocates \$200,000 to PAGA penalties. This is a total reduction of **\$614,600** from
19 the gross settlement amount.
- 20 c. The net settlement amount distributed to class members will be **\$435,400**. The
21 LWDA shall receive \$150,000 in PAGA penalties and aggrieved employees shall
22 receive \$50,000.

23 2. For purposes of the settlement only, the Court finds that the proposed Class is
24 ascertainable and that there is a sufficiently well-defined community of interest among the
25 members of the Class in questions of law and fact. Therefore, for settlement purposes only, the
26 Court grants conditional certification of the following Class:

27 “All current and former non-exempt employees in the state of California at any time
28 between June 15, 2015 through the date of the Preliminary Approval

1 3. For purposes of the Settlement only, the Court designates Plaintiff Lorena Elizabeth
2 Sibrian-Franco as the Class Representative for the Class, and designates Matthew J. Matern, and
3 Joshua D. Boxer of Matern Law Group, PC as Class Counsel.

4 4. The Court designates CPT Group as the third-party Settlement Administrator.

5 5. The Parties are ordered to implement the Settlement according to the terms of the
6 Agreement.

7 6. The Court approves, as to form and content, the Notice of Settlement of Class
8 Action (“Class Notice”) attached as **Exhibit A** to this Order.

9 7. The Court approves, as to form and content, the Request for Exclusion Form
10 (“Exclusion Form”) attached as **Exhibit B** to this Order.

11 8. The Court finds that the form of notice to the Class regarding the pendency of the
12 action and of the Settlement, the dates selected for mailing and distribution, and the methods of
13 giving notice to members of the Class, satisfy the requirements of due process, constitute the best
14 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all
15 members of the Class. The form and method of giving notice complies fully with the requirements
16 of California Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of
17 Court §§ 3.766 and 3.769, the California and United States Constitutions, and other applicable
18 law.

19 9. The Court further approves the procedures for Class Members to opt-out of or
20 object to the Settlement, as set forth in the Class Notice and the Agreement. The procedures and
21 requirements for filing objections in connection with the final fairness hearing are intended to
22 ensure the efficient administration of justice and the orderly presentation of any Class Member’s
23 objection to the Settlement, in accordance with the due process rights of all Class Members.

24 10. The Court directs the Administrator to mail the Class Notice to the members of the
25 Class in accordance with the terms of the Settlement.

26 11. The Class Notice shall provide forty-five (45) calendar days’ notice for Class
27 Members to opt-out of or object to the Settlement.

28 12. The hearing on Plaintiff’s Motion for Final Approval of Settlement on the question
of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled

1 in Department 1 of this Court, located at 312 North Spring Street, Los Angeles, California 90012,
2 on June 20, 2024, at 10:30 a.m.

3 13. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement
4 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting
5 final approval of the Settlement should be entered; and (c) whether Plaintiff's application for class
6 representative service awards, settlement administration costs, and Class Counsel's attorneys' fees
7 and costs, should be granted.

8 14. Counsel for the parties shall file memoranda, declarations, or other statements and
9 materials in support of their request for final approval of Plaintiff's application for class
10 representative service awards, settlement administration costs, Class Counsel's attorneys' fees and
11 costs, prior to the hearing on Plaintiff's Motion for Final Approval of Settlement according to the
12 time limits set by the Code of Civil Procedure and the California Rules of Court.

13 15. The Court order the following implementation schedule:

Event	Date
Defendant to provide class contact information to the Administrator no later than:	February 5, 2024 [15 days following preliminary approval]
Administrator to mail the Class Notice and Exclusion Form to the Class no later than:	February 20, 2024 [14 days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	April 5, 2024 [45 calendar days after mailing of the Class Notice]
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	May 28, 2024
Hearing on Motion for Final Approval of Settlement	June 20, 2024, at 10:30 a.m./ p.m. , Dept. 1 23 .

14 16. Pending the Final Approval hearing, all proceedings in this Action, other than
15 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
16 Order, are stayed.

17 17. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in
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connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.



A handwritten signature in black ink that reads "Stuart M. Rice".

DATED: January 19, 2024

By: Stuart M. Rice / Judge
JUDGE OF THE SUPERIOR COURT