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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MERCED**

SERENA PELLEGRINO, on behalf of herself  
and others similarly situated,

Plaintiff,

v.

CVS PHARMACY, INC., a Rhode Island  
corporation; CORAM SPECIALTY  
INFUSION SERVICES, L.L.C., a Delaware  
limited liability company; and DOES 1 through  
100, inclusive,

Defendants.

Case No.: 22CV-03434

Assigned for all purposes to:  
Hon. Brian McCabe, Dept. 8

**CLASS ACTION**

**PROPOSED ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
AND REPRESENTATIVE ACTION  
SETTLEMENT**

Date: January 31, 2024  
Time: 8:15 a.m.  
Dept.: 8

Complaint Filed: October 21, 2022  
Trial Date: None Set

FILED

2024 JAN 31 PM 2:37

CLERK OF THE SUPERIOR COURT  
*[Signature]*  
DEPUTY

1 The Motion for Preliminary Approval of Class and Representative Action Settlement  
2 ("Motion") filed by Plaintiff Serena Pellegrino ("Plaintiff"), resolving the putative Class and  
3 Representative action brought by Plaintiff against Defendants CVS Pharmacy, Inc., and Coram  
4 Specialty Infusion Services, LLC (collectively, "Defendants" or "CVS"), came on regularly for  
5 hearing on January 31, 2014 at 8:15 a.m. Having reviewed the Motion and its supporting papers and  
6 exhibits thereto, including the Class and PAGA Action Settlement Agreement and Release  
7 ("Settlement Agreement") attached as Exhibit 1 to the Declaration of Anthony J. Orshansky in  
8 support of the Motion, and good cause appearing therefore, the Court hereby finds and orders as  
9 follows:

10 1. On October 21, 2022, Plaintiff filed a putative class and representative action in this  
11 court against Defendants, alleging that Defendants: (1) failed to pay minimum wages; (2) failed to  
12 provide rest breaks; (3) failed to provide meal periods; (4) failed to pay overtime wages; (5) failed  
13 to furnish accurate itemized wage statements; (6) failed to timely pay all wages during employment,  
14 including at or after termination of employment; (7) failed to reimburse business expenses; (8) failed  
15 to maintain accurate payroll records; (9) violated California's Unfair Competition Law, Business  
16 and Professions Code sections 17200, *et seq.*; and (10) violated provisions of the Labor Code giving  
17 rise to civil penalty liability under the Private Attorneys General Act of 2004 (Lab. Code, §§ 2698,  
18 *et seq.*; the "PAGA").

19 2. The Court finds on a preliminary basis that the \$300,000 Gross Settlement Amount  
20 appears to be fair, adequate, and reasonable and falls within the range of reasonableness, and  
21 therefore meets the requirements for preliminary approval. Further, the Court preliminarily approves  
22 the following allocation of the Gross Settlement Amount of \$300,000: (a) Class Counsel's attorneys'  
23 fees not to exceed \$105,000; (b) Class Counsel's actual litigation costs not to exceed \$22,000; (c)  
24 Plaintiff's Service Enhancement not to exceed \$10,000; (d) Settlement Administration Expenses not  
25 to exceed \$20,000; (e) the LWDA PAGA Penalty Amount of \$30,000; and (f) the PAGA Employee  
26 Payment of \$10,000. All of the remaining balance of the Gross Settlement Amount, called the Net  
27 Settlement Amount, shall be allocated to the Participating Class Members based on their qualifying  
28 weeks worked in the Class Period.



1           3.       Assuming this Settlement is finally approved and becomes effective, Participating  
2 Class Members will release Defendants from all Released Class Claims for the Class Period  
3 (October 21, 2018 to August 21, 2023). As set forth in detail in the Settlement Agreement, the  
4 Released Class Claims include all wage and hour claims, rights, demands, liabilities and causes of  
5 action of every nature and description made or which could have been made on behalf of Class  
6 Members based on the facts or claims plead in the operative Complaint which occurred during the  
7 Class Period, including, but not limited to, claims based on the following categories of allegations  
8 during the Class Period: (a) all claims for unpaid minimum wages; (b) all claims for unpaid  
9 overtime; (c) all claims for meal period violations; (d) all claims for rest period violations; (e) all  
10 claims for failure to provide accurate, itemized, or otherwise proper wage statements; (f) all claims  
11 for failure to timely pay wages during employment, including at or after termination of employment;  
12 (g) all claims for failure to reimburse business expenses; (h) all claims for failure to maintain  
13 accurate and complete payroll records; (i) all claims asserted through California Business &  
14 Professions Code sections 17200, *et seq.*, arising out of the aforementioned claims; (j) all claims  
15 asserted through PAGA arising out of the aforementioned claims; (k) all other claims for penalties,  
16 liquidated damages, punitive damages, interest, attorneys' fees, litigation costs, restitution, equitable  
17 relief, or additional damages that allegedly arise out of the aforementioned claims. The Released  
18 Class Claims specifically include claims arising under the California Labor Code, including, without  
19 limitation, Labor Code sections 90.5, 201-204, 210, 218.5, 218.6, 226, 226.3, 226.7, 510, 512, 558,  
20 558.1, 1174, 1174.5, 1182.12, 1194, 1194.2, 1197, 1197.1, 1198, 2800, 2802, and 2698-2699.5,  
21 Business and Professions Code sections 17200, *et seq.*, Civil Code sections 3287, subdivision (b),  
22 and 3289, and Code of Civil Procedure section 1021.5, and any derivative claims based on such  
23 alleged violations, including those under any applicable California Industrial Welfare Commission  
24 Wage Order. The time period of this release is the Class Period (*i.e.*, October 21, 2018 through  
25 August 21, 2023).

26           4.       Further, assuming this Settlement is finally approved and becomes effective,  
27 Plaintiff, on behalf of herself, the State of California and all PAGA Employees, will release the  
28 Released Parties from the Released PAGA Claims. No PAGA Employee may opt out of this release.

1 The Released PAGA Claims include all claims against Defendants during the PAGA Period seeking  
2 civil penalties under PAGA that Plaintiff in her capacity as proxy for the State of California, the  
3 LWDA, and as a private attorney general acting on behalf of herself and the PAGA Employees,  
4 stated or could have been stated based on the facts alleged in the Action based on the allegations in  
5 the Complaint and LWDA Notice, including but not limited to claims for PAGA civil penalties  
6 based on the Class Claims, and that occurred during the PAGA Period (*i.e.*, March 3, 2021 through  
7 August 21, 2023).

8 5. The Court provisionally certifies for settlement purposes only the following class  
9 (“Class”):

10 All current and former employees classified as exempt under the outside sales  
11 exemption who worked for Coram Specialty Infusion Services, LLC, in the state of  
California, from October 21, 2018 to August 21, 2023.

12 6. The Court appoints Serena Pellegrino as the Class and PAGA Representative for  
13 Settlement purposes.

14 7. The Court appoints CounselOne, P.C. and W Employment Law, A.P.C. as Class  
15 Counsel for Settlement purposes.

16 8. The Court appoints CPT Group, Inc. as the Settlement Administrator.

17 9. The Parties are ordered to carry out the Settlement according to the terms of the  
18 Settlement Agreement attached as Exhibit 1 to the Declaration of Anthony J. Orshansky in Support  
19 of the Motion for Preliminary Approval.

20 10. The Court approves, as to form and content, the Notice of Proposed Class Action  
21 Settlement (“Class Notice”), attached as Exhibit A to this Order. The Court finds that the notice plan  
22 is the best means practicable under the circumstances for providing notice to the Class Members,  
23 and when contemplated, shall constitute due and sufficient notice of the class action, proposed  
24 settlement, and the final approval hearing to all persons entitled to such notice, in full compliance  
25 with due process and the notice requirements of Code of Civil Procedure section 877.6.

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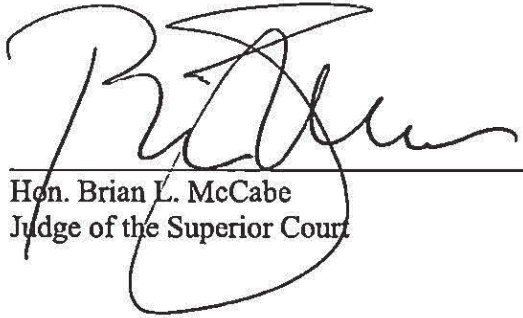
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11. The Court orders the following implementation schedule:

|                                                                                    |                                                                        |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Last day for CVS to provide Settlement Administrator with Settlement Employee Data | <u>Feb. 20, 2024</u> (20 days after the date of Preliminary Approval)  |
| Last day for Settlement Administrator to mail Class Notice to Class Members        | <u>March 11, 2024</u> (45 days after the date of Preliminary Approval) |
| Response Deadline                                                                  | <u>May 10, 2024</u> (60 days after Class Notice is mailed)             |
| Last day to file and serve Motion for Final Approval of Class Action Settlement    | <u>July 31, 2024</u>                                                   |
| Final Approval Hearing                                                             | <u>Sept. 4, 2024</u> at <u>8:15 AM</u> in Courtroom 8.                 |

IT IS SO ORDERED.

Dated: JAN 31 2024



Hon. Brian L. McCabe  
Judge of the Superior Court