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10 Attorneys for Plaintiff EVA YANEZ, on behalf of herself
11 and all others similarly situated

12 **SUPERIOR COURT OF CALIFORNIA**

13 **FOR THE COUNTY OF SANTA CLARA**

14 EVA YANEZ, on behalf of herself and all
15 others similarly situated,

16 Plaintiff,

17 v.

18 GARDNER FAMILY HEALTH
19 NETWORK, INC., a California corporation;
20 and DOES 1 through 10, Inclusive,

21 Defendants

Case No. 20CV364033

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Theodore C. Zayner

Department 19

CLASS ACTION

ORDER GRANTING PRELIMINARY

APPROVAL OF

CLASS ACTION SETTLEMENT

Complaint filed: February 24, 2020

Trial date: Not set

FILED

May 16, 2023

Clerk of The Court

Superior Court of CA

County of Santa Clara

20CV364033

By: rwalker

1 On May 3, 2023, the Court issued a Minute Order Granting Plaintiff's Motion for
2 Order Granting Preliminary Approval of Class Action Settlement ("Motion"). Pursuant to the
3 Minute Order, and having fully reviewed the Motion, supporting memorandum of Points and
4 Authorities, Declarations of Class Counsel Jeff Geraci and Sahag Majarian II, the Joint
5 Stipulation of Settlement and Release of Class Action ("Settlement Agreement") attached as
6 Exhibit 1 to the Geraci Declaration, and the proposed Notice of Class Action Settlement
7 attached as Exhibit A to this Order ("Class Notice"), having carefully analyzed the Settlement
8 Agreement and the Class Notice, and in recognition of the Court's duty to make a preliminary
9 determination as to the reasonableness of any proposed class action settlement, and if
10 preliminarily determined reasonable, to ensure proper notice is provided to Class Members in
11 accordance with due process requirements, and to set a Final Approval Hearing to consider the
12 good faith, fairness, adequacy and reasonableness of the proposed Settlement, THE COURT
13 MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

14 1. The Court conditionally finds, for purposes of approving the settlement only,
15 the proposed Class meets the requirements for certification under section 382 of the California
16 Code of Civil Procedure: (a) the proposed Class is ascertainable and so numerous joinder of all
17 Class Members is impracticable; (b) there are questions of law or fact common to the proposed
18 Class, and a well-defined community of interest among members of the proposed Class with
19 respect to the subject matter of the class action; (c) the claims of the Class Representative are
20 typical of the claims of proposed Class Members; (d) the Class Representative, Ms. Eva
21 Yanez, has and will fairly and adequately protect the interests of Class Members; (e) a class
22 action is superior to other available methods for efficient adjudication of this controversy for
23 settlement; and (f) counsel of record for the Plaintiff and proposed Class Representative, are
24 qualified to serve as counsel for Plaintiff in her capacity as a representative of the Class, and
25 as counsel for the Class.

26 2. The Court finds on a preliminary basis the Settlement Agreement appears to be
27 within the range of reasonableness of a settlement which could be given final approval by
28 this Court.

1 3. It appears to the Court on a preliminary basis: (a) the non-reversionary
2 maximum Gross Settlement Amount is fair and reasonable to Class Members when balanced
3 against the probable outcome of further litigation relating to class certification, liability and
4 damages issues, and potential appeals; (b) significant investigation, research, and informal
5 discovery, have been conducted such that counsel for the Parties are able to reasonably
6 evaluate their respective positions; (c) settlement at this time will avoid substantial costs,
7 delay, and risks presented by further prosecution of the litigation; and (d) the proposed
8 Settlement was reached through intensive, serious, non-collusive negotiations facilitated by an
9 experienced mediator.

10 4. Good cause appearing, the Motion for Order Granting Preliminary Approval of
11 Class Action Settlement is GRANTED, and the Court incorporates the Settlement Agreement.

12 5. For purposes of this Settlement, Class Members are defined as:

13 All non-exempt employees of Defendant who worked at any time from
14 February 24, 2016, to March 18, 2022, in the State of California.

15 6. The Court finds the proposed Class Notice, attached to this Order as Exhibit A,
16 fairly and adequately advises Class Members of the: (a) nature of the Class Action;
17 (b) principal terms of the Settlement; (c) Class definition; (d) number of workweeks each
18 Class Member is credited with; (e) Class Member's estimated Individual Settlement Share; (f)
19 dates of the Class Period; (g) method and timing to submit Requests for Exclusion or
20 Objections; (h) claims released in the Settlement Agreement; and (j) date, time and place of
21 the Final Approval Hearing.

22 7. The Court finds the proposed Class Notice provides the best practicable notice
23 to the Class and comports with all constitutional requirements, including those of due process.
24 Accordingly, good cause appearing, the Court APPROVES the Class Notice.

25 8. The Court further finds that mailing of the Class Notice to the last known
26 address of all Class Members with measures taken for verification of an address and skip
27 tracing of bad addresses, as specifically described in the Settlement Agreement, is an effective
28 method of notifying Class Members of their rights in the class action and the Settlement.

1 Accordingly, it is ORDERED:

2 A. CPT Group, Inc. be appointed the Settlement Administrator to
3 administer the Settlement of this matter as more specifically stated in the Settlement
4 Agreement;

5 B. Michael D. Singer and Jeff Geraci of Cohelan Khoury & Singer, and
6 Sahag Majarian of Law Offices of Sahag Majarian II be appointed Class Counsel;

7 C. Plaintiffs Eva Yanez be appointed Class Representative.

8 D. No later than thirty (30) calendar days after the date the Court grants
9 preliminary approval of the Settlement Agreement (if a weekend or holiday, the next business
10 day), Defendant shall provide the Settlement Administrator the following in a Microsoft
11 Office Excel format: (i) full name; (ii) last-known address; (iii) Social Security number and
12 Employee ID number; and (iv) dates of employment, of each Class Member ("Class Data");

13 E. No later than fourteen (14) calendar days after the Settlement
14 Administrator receives the Class Data (if a weekend or holiday, the next business day),
15 the Settlement Administrator shall mail the Class Notice to each Class member by first class,
16 regular U.S. mail, to the most current mailing address available, after taking the measures for
17 updating addresses in the Settlement Agreement. The mailing envelope's exterior shall include
18 the following language below the Settlement Administrator's address:

19 **Important Legal Document:**

20 You may get Money from a Class Action Settlement;
21 your prompt reply to correct a bad address is required.

22 F. No later than forty-five (45) calendar days from the date the Settlement
23 Administrator first mails the Class Notice to Class Members (if the 45th day falls on a Sunday
24 or holiday, the next business day not a Sunday or holiday), ("Response Deadline"),
25 Class Members who wish to exclude themselves from the Class must submit a written request
26 for exclusion in the manner stated in the Class Notice. The Response Deadline shall be
27 extended fifteen (15) calendar days from the original Deadline for Class Members receiving a
28 re-mailed Class Notice. Class Members who fail to submit a valid, timely written Request for
Exclusion on or before the Response Deadline shall be Settlement Class Members, bound by

1 all Settlement terms and any final judgment entered in this Action, if the Settlement is
2 approved by the Court.

3 G. On or before the Response Deadline, any Class Member who wants to
4 object to the proposed Settlement, including the request for attorneys' fees, expenses, or
5 service awards to Class Representatives, may send a written notice of objection in the manner
6 stated in the Class Notice. The Response Deadline for Class Members who received a re-
7 mailed Class Notice shall be extended fifteen (15) calendar days from the original Deadline;

8 H. On or before the Response Deadline, Class Members who want to
9 dispute the basis of their Settlement Payment must postmark and return to the Administrator a
10 written explanation why they believe the information is incorrect, along with any supporting
11 documents as described in the Class Notice. The Response Deadline for Class Members who
12 received a re-mailed Class Notice shall be extended fifteen (15) calendar days from the
13 original Deadline.

14 9. IT IS FURTHER ORDERED that the Final Approval Hearing shall be held
15 before the undersigned on October 18, 2023, at 1:30 p.m. in Department 19 of the Superior
16 Court of California, County of Santa Clara located at 191 North First Street, San Jose,
17 California 95113, to consider the fairness, adequacy, and reasonableness of the proposed
18 Settlement preliminarily approved by this Order of Preliminary Approval, and to consider the
19 application for a Class Representative service award, Settlement Administrator expenses, and
20 Class Counsel's attorneys' fees and litigation expenses.

21 10. All materials in support of an Order Granting Final Approval, a Class
22 Representative service award, Settlement Administrator expenses, and Class Counsel's
23 attorneys' fees and litigation expenses incurred, shall be filed pursuant to Code of Civil
24 Procedure section 1005(b), sixteen (16) Court days before the hearing.

25 11. IT IS FURTHER ORDERED that if for any reason the Court does not enter an
26 Order Granting Final Approval, or if the Effective Date, as defined in the Settlement
27 Agreement, does not occur, the Settlement Agreement shall have no effect, and the Parties
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1 shall be restored without prejudice to the status quo ante as stated in the Settlement
2 Agreement.

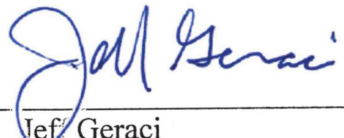
3 12. IT IS FURTHER ORDERED that pending further order of this Court, all
4 proceedings in this matter, except those contemplated by this Order and the Settlement
5 Agreement are stayed.

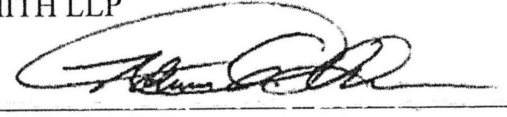
6 13. The Court expressly reserves the right to adjourn or continue the Final
7 Approval Hearing from time to time without further notice to Class Members. However, if
8 written objections are submitted, Class Counsel shall notify objecting Class Members of the
9 new date and time set for the Final Approval Hearing.

10 IT IS SO ORDERED.

11
12 Date: May 16, 2023
13 
The Honorable Theodore C. Zayner
Judge of the Superior Court

14 **ORDER APPROVED AS TO FORM AND CONTENT:**

15 COHELAN KHOURY & SINGER
16
17 Date: May 9, 2023
18 By: 
Jeff Geraci
19 Attorneys for Plaintiff Eva Yanez, on behalf of
herself and all others similarly situated

20 LEWIS BRISBOIS BISGAARD
& SMITH LLP
21
22 Date: May 9, 2023
23 By: 
Charles S. Painter
Adam G. Khan
24 Attorneys for Defendant Gardner Family
Health Network, Inc.

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