

Electronically Received 06/14/2023 11:56 AM

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10 Attorneys for Plaintiff  
11 Martha Martinez

**FILED**  
Superior Court of California  
County of Los Angeles  
07/25/2023

David W. Slayton, Executive Officer / Clerk of Court  
By:                     I. Arellanes                     Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES**

10 MARTHA MARTINEZ, individually and  
11 on behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 NATIONAL RENAL CARE, LLC and  
15 DOES 1 to 10,

16 Defendants.

Case No. 21STCV33729

*Assigned to Hon. Kenneth R. Freeman, Dept. 14*

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: June 13, 2023  
Time: 10:00 a.m.  
Place: Dept. 14

Spring Street Courthouse  
312 N. Spring Street  
Los Angeles, CA 90012

Action Filed: September 10, 2021

1           **TO EACH PARTY AND TO EACH PARTY’S ATTORNEY OF RECORD:**

2           WHEREAS, the Court has before it the unopposed motion by Plaintiff Martha Martinez’s  
3 (“Plaintiff”) for preliminary approval of a proposed class-action settlement.

4           **WHEREAS**, Plaintiff made an application for an order preliminarily approving the settlement of  
5 this action, in accordance with the Class Action and PAGA Settlement Agreement (“Settlement”) that  
6 set forth the terms and conditions for a proposed settlement of the litigation upon the terms and  
7 conditions set forth therein;

8           **WHEREAS**, the Court has read and considered the Motion for Preliminary Approval and  
9 supporting Declarations of Alan Harris, Martha Martinez and Julie Green; and

10          **WHEREAS**, all defined terms contained herein have the same meanings as those set forth in the  
11 Settlement;

12           **IT IS HEREBY ORDERED:**

- 13           1.       The Court hereby preliminarily approves the Settlement as being within the range of  
14 possible approval and as disclosing no grounds to doubts as to its fairness.
- 15           2.       The Settlement has been negotiated at arm’s-length and is preliminarily determined to be  
16 fair, reasonable and adequate, pending final hearing and approval.
- 17           3.       Solely for purposes of the proposed Settlement, a Settlement Class is hereby  
18 provisionally certified pursuant to section 382 of the California Code of Civil Procedure as  
19 follows: All persons employed by National Renal Care, LLC as non-exempt hourly employees in  
20 California at any time from September 10, 2017 to December 31, 2021 (the “Settlement Class”).  
21 Excluded from the Settlement Class are all persons who properly and timely elect to opt out of the  
22 Settlement.
- 23           4.       Solely for purposes of the proposed settlement, the Court does hereby preliminarily  
24 approve (a) Alan Harris and Priya Mohan of Harris & Ruble as Class Counsel; and (b) Martha  
25 Martinez as Class Representative.
- 26           5.       The deadline for serving the proposed Notice to class members is July 12, 2023.
- 27           6.       The deadline for the postmark on any Request for Exclusion and any Objection is  
28 September 11, 2023.

1 7. The deadline for Class Counsel to file a Motion for Final Approval of Settlement  
2 (including any responses to any objections) and Motion for Attorney's Fees and Costs is  
3 November 20, 2023.

4 8. On December 19, 2023, at 10:00 a.m. or on such other date and time as the Court may  
5 hereafter designate, a final fairness hearing shall be held before this Court, in Department 14 or in  
6 such other Department as the Court may hereafter designate, to determine (a) whether the  
7 proposed resolution of the litigation on the terms and conditions provided for in the Settlement is  
8 fair, reasonable, and adequate and (b) the amount of attorney's fees and costs that should be  
9 awarded to Class Counsel and the amount of an incentive payment that should be awarded to the  
10 Class Representative.

11 9. CPT Group, Inc. is appointed as the third-party claims administrator.

12 10. The Settlement Administrator shall supervise and administer the notice procedure as  
13 more fully set forth in the Settlement.

14 11. All Class Members who do not exclude themselves from the Settlement shall be bound  
15 by all determinations and judgments in the litigation concerning the Settlement, whether or not  
16 favorable to the Settlement Class. Any Class Member who wishes to be excluded from the  
17 Settlement Class and not participate in the proposed Settlement must submit a request for  
18 exclusion as more fully set forth in the Agreement. However, PAGA Settlement Members may  
19 not opt out of the PAGA claim and will receive their portion of the PAGA Penalty.

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

23  
24 **IT IS SO ORDERED.**

25 DATED: 07/25/2023



26 

27 The Honorable Kenneth Freeman  
28 Kenneth R. Freeman, Judge  
Los Angeles Superior Court Judge

1 **PROOF OF SERVICE**

2 I am over the age of eighteen years, and not a party to the within action. My business address is Harris &  
3 Ruble, 655 North Central Avenue, 17<sup>th</sup> Floor, Glendale, California 91203. On June 14, 2023, I served  
4 the within documents:

5 **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY  
6 APPROVAL OF CLASS ACTION SETTLEMENT**

7 Hand Delivery: I caused such envelope to be delivered by hand in person to:

8 N/A

9 U.S. Mail: I am readily familiar with the Firm's practice of collection and processing correspondence for  
10 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with  
11 postage thereon fully prepaid in the ordinary course of business, addressed as follows:

12 N/A

13 Electronic Service: Based on a court order, I caused the above-entitled document(s) to be served through  
14 Case Anywhere addressed to all parties appearing on the electronic service list for the above-entitled  
15 case and on the interested parties in this case:

16 Kelly O. Scott (SBN 132186)  
17 kscott@ecjlaw.com  
18 Jared W. Slater (SBN 306226)  
19 jslater@ecjlaw.com  
20 ERVIN COHEN & JESSUP LLP  
21 9401 Wilshire Boulevard, Ninth Floor  
22 Beverly Hills, California 90212-2974

23 I declare under penalty of perjury that the above is true and correct. Executed on June 14, 2023, at Los  
24 Angeles, California.

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Priya Mohan