

VERONICA WALLACE, IDA WALLACE,
PRIMROSE SCOTT, PATRICK GAYLE,
STELLA PARRIS, THERESA OBAAH,
VERONA DIXON, BEVERLY NICHOLSON,
KATHLEEN TURNER,
Individually and on Behalf of All Other
Persons Similarly Situated,

-against-

Defendants.

The above-entitled matters came before the Court on Named Plaintiff's' Unopposed Motion for Preliminary Approval of the Settlement Agreement and Release, Certification of the Class For Settlement Purposes, Appointment of the Named Plaintiffs as Class Representatives, Appointment of the Law Office of William Coudert Rand as Class Counsel, Approval of the Class Notice and Claims Form and For the Scheduling of a Fairness Hearing ("Motion for Preliminary Approval").

I. PRELIMINARY APPROVAL OF SETTLEMENT

1. Based upon the Court's review of Named Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement, the Memorandum of Law In Support and the Declaration of William C. Rand, Esq. ("Rand Declaration") and the exhibits attached thereto, the Court grants preliminary approval of the settlement memorialized in the Settlement Agreement And Release ("Settlement Agreement"), attached to the Rand Declaration as Exhibit A.

2. The Court concludes that the proposed Agreement is within the range of possible settlement approval, such that notice to the Class is appropriate.

3. The Court finds that the Agreement is the result of extensive, arm's length negotiations by counsel well-versed in the prosecution of wage and hour class actions, and that the proposed settlement has no obvious deficiencies.

II. CONDITIONAL CERTIFICATION OF THE PROPOSED SETTLEMENT CLASS

4. The Court finds that this action satisfies all of the prerequisites of New York Civil Practice Law and Rules ("CPLR") § 901, and that consideration of the CPLR § 902 factors support certification for purposes of settlement.

5. The Court provisionally certifies the following class under Article 9 of the CPLR, for settlement purposes only ("Settlement Class"): home health aides who were employed by STERLING HOME CARE INC. on or after July 15, 2011 and on or before February 22, 2023.

III. APPOINTMENT OF NAMED PLAINTIFFS' COUNSEL AS CLASS COUNSEL

6. The Court appoints the Law Office of William Coudert Rand as Class Counsel because they did substantial work identifying, investigating, litigating, and settling Named Plaintiff's and the class members' claims, have years of experience prosecuting

and settling wage and hour class actions, and are well-versed in wage and hour law and in class action law.

7. The work that the Law Office of William Coudert Rand has performed both in litigating and settling this case demonstrates their commitment to the class and to representing the class' interests.

8. The Court appoints Named Plaintiff, Primrose Scott, as the class representative for the purpose of the Settlement.

IV. CLASS NOTICE AND CLAIMS FORM

9. The Court approves the proposed Named Plaintiff's Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing ("Class Notice") and Claim Form, attached as Exhibit B to the Rand Declaration, and directs its distribution to the Class by mail and publication as set forth in the Settlement Agreement.

10. CPLR § 908 requires that "[n]otice of the proposed...compromise [of a class action] shall be given to members of the class in such manner as the court directs."

11. The contents of the Class Notice fully complies with due process. The Class Notice describes the terms of the settlement, explains how class members can participate in the settlement and how class members can object or opt-out, informs the class about the allocation of attorneys' fees and costs, and provides specific information regarding the date, time, and place of the final approval hearing.

V. CLASS ACTION SETTLEMENT PROCEDURE

12. The Court hereby adopts the following settlement procedure:

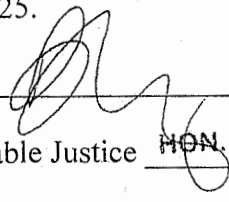
- a. Within 14 days after the Court issues its Order Granting Preliminary Approval, Defendant will provide both Class Counsel and the Settlement Claims Administrator with a list, in electronic form with

the names, dates of employment and last known phone numbers and emails and addresses of Plaintiffs and all Class Members (the "Class List");

- b. The Settlement Claims Administrator shall mail, via First Class United States mail, postage prepaid, the Notice to Class Members within 24 days after the entry of the Preliminary Approval Order by the Court and by that date will publish notice of the settlement in two newspapers published in New York City and will post the settlement on a website;
- c. Class Members will have 45 days from the date the Class Notice and Claims Form is initially mailed to file a Claims Form, opt out of or object to the settlement ("Notice Period"). To be effective, the Claims Form, objection or opt-out must be received by the Settlement Claims Administrator within 45 days of the initial mailing of the Class Notice and Claims Form.
- d. Named Plaintiffs will file a Motion for Final Approval of Settlement no later than five (5) calendar days before the Fairness Hearing;
- e. The Court will hold a final Fairness Hearing on September 24, 2025 at 10:30am, (which date is approximately 90 days after the date of this Order) at the Supreme Court of the State of New York, County of Bronx, located at 851 Grand Concourse, Bronx, NY 10451;
- f. If the Court grants Named Plaintiffs' Motion for Final Approval of the Settlement, the Court will issue an Order Granting Final Approval. If no party appeals the Court's Order Granting Final Approval, the "Final Effective Date" of the settlement will be thirty (30) days after the Court enters its Order Granting Final Approval and the expiration of any appeal period;
- g. If there is an appeal the latest of the following, if applicable, becomes the Final Effective Date: (1) any appeal from the Final Approval Order has been finally dismissed; (2) the Final Approval Order has been affirmed on appeal in a form substantially identical to the form of the Final Approval Order entered by the Court; (3) the time to petition for review with respect to any appellate decision affirming the Final Approval Order has expired; and (4) if a petition for review of an appellate decision is filed, the petition has been denied or dismissed, or, if granted, has resulted in affirmance of the Final Approval Order in a form entered by the Court;

- h. The Settlement Claims Administrator will pay the Class Members who timely file a Claims Form and who do not opt out, their individual settlement payments within thirty (30) days after the Final Effective Date;
- i. The Settlement Claims Administrator will pay the Court-approved service payments to Named Plaintiff within thirty (30) days after the Final Effective Date;
- j. The Settlement Claims Administrator will pay Class Counsel its Court-approved attorneys' fees and expenses within thirty (30) days after the motion for final approval is granted.
- k. The Settlement Claims Administrator shall recover its agreed upon fees from the Settlement Amount. In the event that the Settlement Agreement is not finally approved, any fees and expenses of the Settlement Claims Administrator already spent or funds attributable to labor and/or expenses incurred but not yet paid shall be paid out of the QSF; and
- l. The parties shall abide by all other terms of the Settlement Agreement.

It is so ORDERED this 12th day of March 2025.



Honorable Justice **HON. BIANKA PEREZ**