

FILED/RECORDED
JUN 21 2019
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DEPUTY CLERK

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5 *Attorneys for Plaintiff and Aggrieved Employees*

6 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
7 **FOR THE COUNTY OF SACRAMENTO**

BY FAX

8 MATTHEW ROZYCZKO, on behalf of himself
and all other aggrieved employees,

Case No. 34-2018-00227160

CLASS ACTION

9
10 Plaintiffs,

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' AMENDED MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

11 vs.

12 CALIFORNIA CAREGIVERS HOME
HEALTHCARE, LLC, and DOES 1-50,

Amended Complaint Filed:
August 22, 2018

13
14 Defendants.

Date: June 21, 2019
Time: 1:30 p.m.
Dept: 35

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1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

2 Plaintiffs' Amended Motion for Final Approval of Class Action Settlement came
3 before this Court, on June 21, 2019. The Court having considered the papers submitted in
4 support of the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. All terms used herein shall have the same meaning as defined in the First
6 Amended Joint Stipulation of Settlement and Release (the "Settlement").

7 2. Consistent with the definitions provided in the Settlement, the terms "Class" and
8 "Class Members" refer to "all individuals who worked 24-hour shifts for Defendant as caregivers
9 during the period from June 5, 2016 through December 31, 2017."

10 3. This Court has jurisdiction over the subject matter of this Action and over all
11 Parties to this Action, including all Class Members.

12 4. The Court finds that the Class is properly certified as a class for settlement
13 purposes only.

14 5. The Notice provided to the Class conforms with the requirements of California
15 Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of
16 Court 3.766 and 3.769, the California and United States Constitutions, and any other applicable
17 law, and constitutes the best notice practicable under the circumstances, by providing individual
18 notice to all Class Members who could be identified through reasonable effort, and by providing
19 due and adequate notice of the proceedings and of the matters set forth therein to the other Class
20 Members. The Notice fully satisfied the requirements of due process.

21 6. The Court finds the Settlement was entered into in good faith, that the Settlement
22 is fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable
23

1 requirements for final approval of this class action settlement under California law, including the
2 provisions of California Code of Civil Procedure section 382 and California Rule of Court 3.769.

3 7. Zero (0) Class Members have objected to the terms of the Settlement.

4 8. One (1) Class Member has requested exclusion from the Class.

5 9. Upon entry of this Order Granting Plaintiffs' Amended Motion for Final
6 Approval of Class Action Settlement ("Final Approval Order") and the separately entered
7 Judgment, the Class Administrator shall distribute Individual Settlement Payments to Settlement
8 Class Members pursuant to the terms of the Settlement.

9 10. In addition to any recovery that Plaintiff Matthew Rozyczko ("Plaintiff") may
10 receive under the Settlement as a Settlement Class Member, and in recognition of his efforts on
11 behalf of the Settlement Class, the Court hereby approves the Enhancement Award in the amount
12 of \$10,000.00 for Plaintiff.

13 11. The Court approves a Fee and Expense Award to Class Counsel in the sums of
14 \$66,000.00 for attorneys' fees, and \$6,649.74 for actual litigation costs.

15 12. The Court approves and orders payment of Administration Costs in the amount of
16 \$15,500.00 to CPT Group, Inc. for performance of its services as the Class Administrator.

17 13. The Court approves the PAGA Payment of \$7,500.00.

18 14. The Parties are to give notice to all Class Members of this Final Approval Order
19 and the separately entered Judgment in accordance with California Rule of Court 3.771(b) by
20 having the Class Administrator post this Final Approval Order and the separately entered
21 Judgment to its website for a period of sixty (60) days.

22 15. Upon the date of this Final Approval Order, Plaintiffs and Settlement Class
23 Members shall have, by operation of this Final Approval Order and the separately entered
24

1 Judgment, fully, finally and forever released, relinquished, and discharged Defendant and the
2 Released Parties from their Released Claims as defined by the terms of the Settlement.

3 16. Upon the date of this Final Approval Order, Plaintiffs and all Settlement Class
4 Members shall be and are hereby permanently barred and enjoined from the institution or
5 prosecution of any and all of their respective Released Claims under the terms of the Settlement.

6 19. Upon completion of administration of the Settlement, the Parties shall file a
7 declaration from the Class Administrator stating that all claims have been paid and that the terms
8 of the Settlement have been completed. There will be a Final Accounting Hearing on
9 11-19-2021 at 9 AM in Department ~~304~~³⁵ of this Court. This
10 will be a non-appearance date if a declaration from the Class Administrator is submitted at least
11 five (5) court days in advance of the hearing date.

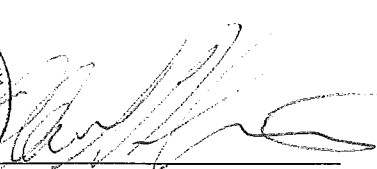
12 20. This Final Approval Order and the separately entered Judgment are intended to
13 effectuate a final disposition of the Action in its entirety, and are intended to be immediately
14 appealable.

15 21. This Court shall retain jurisdiction pursuant to California Code of Civil Procedure
16 section 664.6 with respect to all matters related to the administration and consummation of the
17 Settlement, and any and all claims, asserted in, arising out of, or related to the subject matter of
18 the Action, including but not limited to all matters related to the Settlement and the
19 determination of all controversies relating thereto.

20
21 **IT IS SO ORDERED.**

22 Dated: June 21, 2019



23 By: 
24 Honorable Judge Alan G. Perkins
Superior Court Judge, Dept. 35

(PROOF OF SERVICE)

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

ss.

I certify that I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 535 Mission Street, 14th Floor, San Francisco, CA 94105.

On June 10, 2019, I served the documents described as:

- **AMENDED NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL; AMEDNED MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF MOTION FOR FINAL APPROVAL; AMENDED DECLARATION OF ROBERT OTTINGER IN SUPPORT OF MOTION FOR FINAL APPROVAL; [PROPOSED] ORDER GRANTING MOTION FOR FINAL APPROVAL; [PROPOSED] JUDGMENT**

on *Interested Parties at the following* addresses:

Robert E. King
 Legally Nanny
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 Irvine, CA 92620-1216
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BY USPS MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the USPS on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing this affidavit.

BY E-Mail: By transmitting the foregoing documents to the e-mail addresses listed above.

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 10, 2019 at San Francisco, CA.

 Silva Donikian