

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

MAR 15 2019

BY

Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SONOMA**

ALICIA RANILLO, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

ENSIGN SONOMA LLC, a California limited
liability company, and DOE 1 through and
including DOE 100,

Defendants.

Case No. SCV258369

~~PROPOSED~~ ORDER GRANTING
CONDITIONAL CLASS CERTIFICATION
AND PRELIMINARY APPROVAL OF
CLASS-ACTION SETTLEMENT

Assigned to Hon. Patrick M. Broderick

1 Plaintiff Alicia Ranillo's Motion for Conditional Class Certification and Preliminary Approval of
2 Class-Action Settlement came on for hearing in Courtroom 16 of the above-captioned Court on March
3 15, 2019.¹ Having read the Motion and all papers filed in connection therewith, and having considered
4 the arguments made in connection therewith, the Court finds that the proposed Settlement appears to be
5 fair, reasonable, and adequate; and that a Final Approval Hearing should be held after notice of the
6 Settlement is disseminated, in order to finally determine whether the Settlement is fair, reasonable, and
7 adequate. Pursuant to section 382 of the California Code of Civil Procedure and to rule 3.760 *et seq.* of
8 the California Rules of Court, **IT THEREFORE IS ORDERED AS FOLLOWS:**

9 1. The Motion is granted. For the purpose of the Settlement only, the Court finds that
10 certification of the Class is appropriate because (a) the Class is ascertainable and sufficiently numerous,
11 (b) a well-defined community of interest exists, and (c) there are substantial benefits from certification
12 that render proceeding on a class-wide basis superior to any alternatives. Furthermore, the Court finds
13 that (a) the terms of the Settlement appear to be fair and reasonable to the Class when balanced against
14 the probable outcome of further litigation relating to class certification, liability and damage issues, and
15 potential appeals; (b) Class Counsel is experienced in wage-and-hour class-action litigation; (c)
16 significant investigation was undertaken, and significant information was exchanged, enabling Plaintiff
17 and Defendant to reasonably evaluate one another's positions; (d) approving the Settlement will avoid
18 the substantial costs, delay, and risks that would be presented by further litigation; and (e) the terms of
19 the Settlement were the result of intensive, serious, and non-collusive negotiations between Plaintiff and
20 Defendant, including a private mediation. Accordingly, the Court preliminarily finds that the Settlement
21 falls within the range of possible approval and therefore meets the requirements for preliminary
22 approval.

23 2. The Court conditionally certifies the following Class for the purpose of the Settlement
24 only: all individuals Defendant employed (1) as a Licensed Vocational Nurse between February 8, 2012
25 through the Preliminary Approval Date; or (2) as a non-exempt hourly employee hired on or before
26

27 ¹ Unless otherwise noted, all capitalized terms used herein have the meanings set forth in the Joint
28 Stipulation of Class Action Settlement, attached as **Exhibit 1** to the Declaration of David S. Harris in
Support of Motion for Conditional Class Certification and Preliminary Approval of Class-Action
Settlement.

1 August 31, 2013 through Preliminary Approval.

2 3. The Court conditionally appoints David S. Harris as Class Counsel.

3 4. The Court conditionally appoints Alicia Ranillo as the Class Representative.

4 5. The Court conditionally appoints CPT Group as the Claims Administrator.

5 6. The Court conditionally approves, as to form and content, the notice contemplated by the
6 Settlement. Attached hereto as **Exhibit 1** is copy of the approved notice packet, which includes all of
7 the following documents: (a) Summary of Proposed Class Action Settlement, (b) Notice of Class Action
8 Settlement, (c) Settlement Allocation Form, and (d) Opt-Out Form (hereinafter the four documents are
9 collectively referred to as the "Notice"). The Court finds that the Notice and the notification procedures
10 contemplated by the Settlement constitute the best notice practicable under the circumstances, and that
11 the Notice and the notification procedures contemplated by the Settlement are in full compliance with
12 the laws of the State of California, the laws of the United States (to the extent applicable), and the
13 requirements of due process. The Court further finds that the Notice appears to fully and accurately
14 inform Class Members of all material terms of the Settlement, including the manner in which Individual
15 Settlement Payments will be calculated; the right to request, and procedure for requesting exclusion
16 from the Settlement Class; and the right to object, and procedure for objecting, to the Settlement.

17 7. Because the Settlement is within the range of possible final approval, the Court adopts
18 and incorporates the provisions of the Settlement, including, but not limited to, the dates for
19 performance contemplated by the Settlement. Those dates include the following:

20 a. No later than twenty (20) calendar days after the Preliminary Approval Date, the
21 Claims Administrator shall mail the Notice to the Class Members. Settlement Class Members do not
22 need to submit any claim forms to receive their respective individual Settlement Payments.

23 b. Class Members shall have until forty-five (45) calendar days after the Claims
24 Administrator mails Notice to submit requests for exclusion to the Claims Administrator. To be
25 considered a valid request for exclusion, the Class Member must submit a signed Opt-Out Form to the
26 Claims Administrator, which is signed and postmarked no later than forty-five (45) calendar days after
27 Claims Administrator mails out the Notice. Any Class Member who validly requests to be excluded will
28 not be entitled to any recovery under the Settlement; will not be bound by the terms of the Settlement;

1 and will not have any right to object to, appeal from, or comment on the Settlement.

2 c. Class Members shall have until forty-five (45) calendar days after the Claims
3 Administrator mails Notice to submit written objections to the Claims Administrator. To object, a Class
4 Member must: (1) provide written notice to the Parties and their counsel of any intent to appear at the
5 Final Approval Hearing; (2) file with the Superior Court of California for the County of Sonoma,
6 located at located at 3055 Cleveland Avenue, Santa Rosa, CA 95403, Department 16, a written objection
7 and any supporting documents; and (3) send copies of the documents submitted to the Court to the
8 Parties and their counsel at the addresses listed in this Notice at least ten (10) calendar days before the
9 Final Approval Hearing.

10 d. The Final Approval Hearing will be held on 6.14.2019, at
11 9 a.m. in Courtroom 16 of the above-captioned Court. Plaintiff shall file a motion for final
12 approval no later than 14 calendar days before the Final Approval Hearing. Plaintiff also shall file a
13 motion for approval of any Attorneys' Fees and Costs, as well as any Class Representative
14 Enhancement, no later than 14 calendar days before the Final Approval Hearing, to be heard at the same
15 time as the Motion for Final Approval.

16 8. Other than the proceedings contemplated herein, all discovery and other proceedings in
17 the Action are stayed and suspended until further order of the Court.

18 **IT IS SO ORDERED.**

19
20 Dated: 3.15.19

Patrick Broderick
21 Hon. Patrick M. Broderick
22 Judge of the Superior Court

23 9. Plaintiff is to provide the
24 notice of this order and preliminary
25 approval along with the date, time and
26 location of the hearing on final
27 approval, to the Labor and Workforce
28 Development Agency (LWDA) as
Plaintiff's attorney, ~~request~~ represented
at the original hearing.