

FILED

JAN 29 2020

SAN LUIS OBISPO SUPERIOR COURT

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Melanie Miller, Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN LUIS OBISPO**

Michael Grotte, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Normal Life of California, Inc., a California
Corporation; Rescare Behavior Services, Inc.,
a Delaware Corporation; RSCR California,
Inc., a Delaware Corporation, licensed to do
business in California; RSCR Inland, Inc., a
California Corporation; Res-Care California,
Inc. d/b/a RCCA Services, a Delaware
Corporation licensed to do business in
California as RCCA Services; Rescare, Inc., a
Delaware Corporation, and DOES 1 to 100,
inclusive,

Defendants.

Case No. 18CV-0672

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND SETTING
FINAL HEARING FOR CLASS AND
PAGA SETTLEMENT APPROVAL**

Date: January 29, 2020

Time: 9:00 a.m.

Judge: Hon. Tana L. Coates

Dept.: 9

Action Filed: October 31, 2018

Removal Date: November 21, 2018

Remand Date: October 23, 2019

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Attorneys for Plaintiff, the Putative Settlement Class,
And the PAGA Aggrieved Employees

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ORDER GRANTING PRELIMINARY APPROVAL

The Motion for Preliminary Approval of a Class Action Settlement came before this Court, on January 29, 2020, the Honorable Tana L. Coates presiding. The Court having considered the papers submitted in support of the application of the parties, **HEREBY ORDERS THE FOLLOWING:**

1. The Court grants preliminary approval of the Settlement and the Settlement Class based upon the terms set forth in the Joint Stipulation of Settlement and Release of Class and Representative Action (“Settlement Agreement”) filed with the Declaration of Craig J. Ackermann. All terms used herein shall have the same meaning as defined in the Settlement Agreement. The settlement set forth in the Settlement Agreement appears to be fair, adequate and reasonable to the Class.

2. The Settlement falls within the range of reasonableness and appears to be presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.

3. A final fairness hearing on the question of whether the proposed Settlement, attorneys’ fees and costs to Class Counsel, and the Class Representative’s Service Award should be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in Department 9 on the date and time set forth in the implementation schedule in Paragraph 10 below. The Court will also rule on whether the PAGA settlement will be approved in connection with the final approval hearing.

4. This Court approves, as to form and content, the Notice of Proposed Class Action Settlement and Hearing Date for Court Approval (“Class Notice”), in substantially the form attached to the Settlement Agreement as **Exhibit 1**. The Court approves the procedure for Normal Life Class Members to participate in, to opt out of, and to object to, the Settlement as set forth in the Settlement Agreement.

5. The Court directs the mailing of the Class Notice by first class mail to the Normal Life Class Members in accordance with the Implementation Schedule set forth below. The Court finds the dates selected for the mailing and distribution of the Notice, as set forth in

1 the Implementation Schedule, meet the requirements of due process and provide the best notice
2 practicable under the circumstances and shall constitute due and sufficient notice to all persons
3 entitled thereto.

4 6. It is ordered that the Normal Life Class is preliminarily certified for settlement
5 purposes only.

6 7. The Court appoints Plaintiff Michael Grotte as Class Representative, and
7 appoints Craig J. Ackermann of Ackermann & Tilajef, P.C., Jonathan Melmed of Melmed Law
8 Group P.C., and David S. Winston of Winston Law Group, P.C. as Class Counsel.

9 8. The Court appoints CPT Group, Inc. as the Settlement Administrator.

10 9. To facilitate administration of the Settlement pending final approval, the Court
11 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or
12 administrative proceedings (including filing claims with the Division of Labor Standards
13 Enforcement of the California Department of Industrial Relations) regarding claims released by
14 the Settlement, unless and until such Normal Life Class Members have submitted valid
15 Requests for Exclusion to the Settlement Administrator and the time for opting out or objecting
16 to the Settlement has elapsed.

17 10. The Court orders the following **Implementation Schedule** for further
18 proceedings:


19 a.	Deadline for Defendant to Submit Class Members' and PAGA Aggrieved Employees' Information to Settlement Administrator	[Within 14 days after the Preliminary Approval Date] (S.A., § VI.B)
20 b.	Deadline for Settlement Administrator to Mail Notice to Class Members	[Within 28 days following the Preliminary Approval Date] (S.A., § VI.B)
21 c.	Deadline for Class Members to Postmark Challenges	[60 days after mailing of the Class Notice and Share Form] (S.A., § VI.B)
22 d.	Deadline for Class Members to Postmark Requests for Exclusion	[60 days after mailing of the Class Notice] (S.A., § VI.C)
23 e.	Deadline for Class Members to submit Objections to Settlement	[60 days after mailing of the Class Notice] (S.A., § VI.D)

1	f.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	[30 days prior to Final Approval and Fairness Hearing] (S.A., § VI.C)
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3	g.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees and Expenses, and for approval of PAGA Settlement	[28 days prior to Final Approval and Fairness Hearing]
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6	h.	Final Approval/Fairness Hearing	May __, 2020 at __ a.m.
7	i.	Deadline for Settlement Administrator to mail the Settlement Awards, Service Award, and PAGA Payments, and to wire transfer the Attorneys' Fees and Costs (if Settlement is Effective)	[Within 15 days after Defendants deposit the Gross Settlement Amount with the Settlement Administrator] (S.A., § VII.B-G)
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9			
10	j.	Settlement Administrator to File Proof of Payment (through Class Counsel) of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	[120 calendar days after the Effective Date] (S.A., § VII.G)
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13 11. If any of the dates in this Implementation Schedule falls on a weekend, bank or
14 Court holiday, the time to act shall be extended to the next business day.

15 **IT IS SO ORDERED.**

16 Dated: 1/29/20

17 
18 HON. TANA L. COATES
19 SUPERIOR COURT JUDGE