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**FILED**  
Superior Court of California  
County of Los Angeles

09/05/2023

David W. Slayton, Executive Officer / Clerk of Court

By:           A. Morales           Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE**

JUDICIAL COUNCIL COORDINATED  
PROCEEDINGS:

In Re Rechnitz Nursing Facilities

CASE NO. JCCP4988

[Lead Case No. BC711982]

~~**[PROPOSED]**~~ **ORDER  
PRELIMINARILY APPROVING  
CLASS ACTION SETTLEMENT,  
CERTIFYING SETTLEMENT CLASS,  
APPROVING PROPOSED NOTICE,  
AND SCHEDULING FINAL FAIRNESS  
HEARING**

Assigned for All Purposes to:  
Hon. Lawrence P. Riff, Dept. 7

Trial Date:                   None Set

Upon review and consideration of the Settlement Agreement and its exhibits (“Settlement”), which have been filed with the Court, it is hereby ORDERED and ADJUDGED as follows:

1. The parties have agreed to settle the above-referenced action upon the terms and conditions set forth in the Settlement. The definitions in the Settlement are hereby incorporated as though fully set forth in this Order.

2. The Settlement, including all exhibits thereto, is preliminarily approved as fair, reasonable, and adequate. The Plaintiffs, by and through their counsel, have investigated the facts and law related to the matters alleged in their Complaint, have engaged in extensive motion practice, and have evaluated the risks associated with continued litigation, trial, and/or appeal. The Court

1 finds that the Settlement was reached in the absence of collusion, is the product of informed, good-  
2 faith, arms-length negotiations between the parties and their capable and experienced counsel, and  
3 was reached with the assistance of a well-qualified and experienced mediator, Hon. Victor Person  
4 (Ret.). The Court further finds that the proposed Settlement Class meets the requirements of  
5 California Code of Civil Procedure section 382 and Civil Code section 1781, and should be certified  
6 for settlement purposes only; that the Named Plaintiffs should be appointed class representatives  
7 and the attorneys identified below should be appointed as Class Counsel; and that it is appropriate  
8 to effectuate notice to the Settlement Class and to schedule a Final Approval Hearing to assist the  
9 Court in determining whether to grant Final Approval to the Settlement and enter Final Judgment.

10           3.       The Court finds that the Settlement confers substantial benefits upon the Settlement  
11 Class, particularly in light of the damages that Plaintiffs and Class Counsel believe are recoverable  
12 at trial, without the costs, uncertainty, delays, and other risks associated with continued litigation,  
13 trial, and/or appeal.

14           4.       The Court approves, as to form and content, the Notice attached as Exhibit B to the  
15 Settlement Agreement, which is attached as Exhibit 1 to Plaintiffs' Motion for Preliminary  
16 Approval. The Court finds that the Notice is reasonable and constitutes due, adequate and sufficient  
17 notice to all persons entitled to receive notice, and meets the requirements of due process, California  
18 Code of Civil Procedure § 382, and California Civil Code section 1750, *et al.*, and is the best notice  
19 practicable under the circumstances and shall constitute due and sufficient notice to all persons  
20 entitled to receive Notice of this Settlement.

21           5.       No later than the date specified in the table below, the Settlement Administrator shall  
22 disseminate the Class Notice by mail and website publication. Class members shall receive  
23 individualized notice via U.S. Mail as described in the Settlement. All costs associated with this  
24 notice program shall be paid as provided for in the Settlement Agreement.

25           6.       Under the Settlement, Class Counsel shall move for final approval of the settlement  
26 and file their application for attorneys' fees and costs no later than the date specified in the table  
27 below. Any Class member may object to the Settlement and/or to Class Counsel's request for  
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1 attorneys' fees and costs; any such objection must be received by the Court and by Counsel no later  
2 than the date specified in the table below.

3 7. The proposed Claim Form is clear and serves to accomplish the allocation of  
4 settlement funds in accordance with the Settlement Agreement. Class Members shall submit their  
5 claim forms no later than the date specified in the table below.

6 8. The dates of performance contained herein may be extended by Order of the Court,  
7 for good cause shown, without further notice to the Class.

8 9. The Fairness Hearing shall be held before this Court on the date and time specified  
9 in the table below to determine whether the Settlement is fair, reasonable, and adequate and should  
10 receive final approval, and whether Class Counsel's application for an award of attorneys' fees and  
11 costs, and for service awards for the Named Plaintiffs, should be granted. The Court's determination  
12 of whether to approve the Settlement is separate from any award of attorneys' fees and costs and/or  
13 service awards. The Fairness Hearing may be postponed, adjourned, or continued by Order of the  
14 Court without further notice to the Class. In the event of a change to the date and/or time of the Final  
15 Approval Hearing, the Settlement Administrator shall post notice of the change and the new date or  
16 time for the Final Approval Hearing on the class action website. After the Fairness Hearing, the  
17 Court may enter a Final Order and Judgment in accordance with the Settlement.

18 10. The parties shall adhere to the following schedule unless otherwise ordered by the  
19 Court:

<u>Event</u>	<u>Date</u>
Settlement Administrator sends Class Notice ("Class Notice Date")	45 days after the date this Preliminary Approval Order is signed by the Court
Objection and Opt-out Deadline	60 days after Class Notice Date
Motion for Final Settlement Approval and Motion for Award of Attorneys' Fees, Costs, and Service Awards to Class Representatives	No later than 30 days before the Final Approval Hearing
Deadline to Submit Claim Forms	120 days after Class Notice Date

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Final Approval Hearing	November 28, 2023, at 10:00 a.m.
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11. If the Settlement does not receive Final Approval, then the Settlement shall become null and void. Plaintiffs, the Class members, and the Defendants shall be restored to their respective positions prior to the entry of this Preliminary Approval Order.

12. CPT Group shall serve as Settlement Administrator and shall perform all the duties assigned to it by this Order and the Settlement.

13. Class Counsel and Counsel for Defendants are hereby authorized to employ all reasonable procedures in connection with approval and administration of the Settlement that are not materially inconsistent with this Order or the Settlement, including making, without further approval of the Court, non-material changes to the form or content of the Notice.

For the reasons set forth above, the Court GRANTS Plaintiffs’ motion.

**IT IS SO ORDERED:**

DATED: 09/05/2023, 2023



Lawrence P. Riff / Judge

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Hon. Lawrence P. Riff  
Judge of the Superior Court

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is One World Trade Center, Suite 1950, Long Beach, CA 90831.

On September 1, 2023, I served true copies of the following document(s) described as **[PROPOSED] ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT, CERTIFYING SETTLEMENT CLASS, APPROVING PROPOSED NOTICE, AND SCHEDULING FINAL FAIRNESS HEARING** on the interested parties in this action as follows:

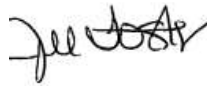
Mark A. Johnson, Esq. Attorneys for Defendants  
Hooper, Lundy & Bookman, PC  
101 W. Broadway, Ste. 1200 Telephone: (619) 744-7304  
San Diego, CA 92101 Facsimile: (619) 875-8519

Paul S. Chan, Esq. Attorneys for Defendants  
Bird, Marella, Boxer, Wolper, Nessim, Telephone: (310) 201-2100  
Drooks, Lincenberg & Rhow, PC  
1875 Century Park East, 23rd Floor  
Los Angeles, CA 90067

**BY ELECTRONIC SERVICE:** I electronically filed the document(s) with the Clerk of the Court by using the Case Anywhere system. Participants in the case who are registered users will be served by the Case Anywhere system. Participants in the case who are not registered users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 1, 2023, at Long Beach, California.



Jill Foster