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8 *Attorneys for Plaintiffs, on behalf of the*
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9 *and Aggrieved Employees*

10 **SUPERIOR COURT OF CALIFORNIA**
11 **COUNTY OF ALAMEDA**

12 KHAYO SISHI, SANDEEP PUREWAL,
VANESSA BARBER, and CHERRA REDD on
13 behalf of the Putative Class, the State of California
And Aggrieved Employees;

14 *Plaintiffs,*

15 v.

16
17 ESKATON PROPERTIES INCORPORATED,
CALIFORNIA HEALTHCARE
18 CONSULTANTS, INC., and DOES 1-100,
inclusive;

19 *Defendants.*

Case No.: RG21100764

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT,
CERTIFICATION OF SETTLEMENT
CLASS, APPROVAL OF NOTICE OF
SETTLEMENT, AND SETTING OF
HEARING FOR FINAL APPROVAL**

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1 The Motion for Preliminary Approval of a Class Action Settlement came before this Court,
2 on January 20, 2022, the Honorable Eumi Lee presiding. The Court, having considered the papers
3 submitted in support of the application of the Plaintiffs, HEREBY ORDERS THE FOLLOWING:

4 1. The Court grants preliminary approval of the Settlement and the Class based upon the
5 terms set forth in the Class Action Settlement Agreement and Release and Addendum A and
6 Addendum B to Class Action Settlement Agreement and Release (collectively “Settlement” or
7 “Settlement Agreement”). All terms used herein shall have the same meaning as defined in the
8 Settlement. The Settlement appears to be fair, adequate, and reasonable to the Class Members.

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

12 3. A final fairness hearing on the question of whether the proposed Settlement, attorneys’
13 fees and costs to Class Counsel, and the Service Awards should be finally approved as fair,
14 reasonable and adequate as to the Class Members is scheduled in Department 512 as set forth in the
15 implementation schedule in Paragraph 9 below.

16 4. This Court approves, as to form and content, the Settlement Notice in substantially the
17 form attached as **Exhibit 3** to the Declaration of Carolyn Hunt Cottrell, and the procedure for Class
18 Members to participate in, opt out of, and object to, the Settlement as set forth in the Settlement
19 Agreement and Settlement Notice. The Court further authorizes the Parties to make non-substantive
20 changes to the proposed Settlement Notice that are consistent with the terms of the Settlement and
21 this Order.

22 5. The Court directs the mailing of the Settlement Notice, in accordance with the
23 implementation schedule, and finds the dates selected for the mailing and distribution of the mailing
24 of the Settlement Notice, as set forth in the implementation schedule, meet the requirements of due
25 process and provide the best notice practicable under the circumstances and shall constitute due and
26 sufficient notice to all persons entitled thereto.

27 6. The Class is preliminarily certified for settlement purposes only.

1 7. The Court preliminarily confirms Plaintiffs Khayo Sishi, Sandeep Purewal, Cherra
 2 Redd, and Zenaya White as Class Representatives, and Schneider Wallace Cottrell Konecky LLP,
 3 Lawyers for Justice, PC, and Capstone Law APC as Class Counsel.

4 8. The Court confirms Settlement Services, Inc. as the Settlement Administrator.

5 9. The Court orders the following implementation schedule for further proceedings:

7 Preliminary Approval Granted	TBD
8 Defendants will provide the Class List to Settlement Administrator and Class Counsel	Within twenty (20) business days after the Court's Preliminary Approval of the Settlement
10 Settlement Administrator will mail and email the Settlement Notice to Class Members, and provide 11 notice to counsel that the Settlement Notice has been mailed	Within ten (10) business days after receiving the Class List
12 Notice Deadline	Sixty (60) days after the Settlement Notice is initially mailed to the Settlement Class.
14 Settlement Administrator will provide counsel a report showing pursuant to Settlement Agreement 15 section 22.j.	Ten (10) business days after the Notice Deadline
16 Deadline to file Final Approval Motion	TBD
17 Final Approval Hearing	No earlier than thirty (30) days after the Notice Deadline
19 Effective Date	(i) if there is an objection(s) to the 20 settlement that is not subsequently 21 withdrawn, then the date upon the expiration of time for appeal of the Court's Final Approval Order; or (ii) if there is a timely 22 objection(s) and appeal by an objector(s), then after such appeal(s) is dismissed or the 23 Court's Final Approval Order is affirmed on appeal; or (iii) if there are no timely 24 objections to the settlement, or if any objections which were filed are withdrawn 25 before the date of final approval, then the 26 first business day after the Court's order granting Final Approval of the Settlement

1	Class Counsel shall submit a copy of the Final Approval Order and Judgment entered by the Court to the LWDA	Within ten (10) days following the Effective Date
2		
3	The Settlement Administrator shall calculate the employer share of taxes for each respective employee based on the corresponding tax rates provided by Defendants and/or the Released Parties and provide Defendants and/or Released Parties with the total employer tax contributions	Within five (5) business days after the final Settlement Award calculations are approved
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6	Defendants shall transfer the Gross Settlement Amount to the Qualified Settlement Fund(s)	Within twenty (20) business days of the Effective Date
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8	Defendants and/or Released Parties shall deposit the calculated employer tax into the Qualified Settlement Fund(s)	Within twenty (20) business days after the Effective Date
9		
10	Settlement Administrator shall provide counsel with a final report of all Settlement Awards	At least ten (10) business days before the Settlement Awards to Settlement Class Members are mailed
11		
12	Settlement Administrator shall mail Service Awards to Plaintiffs	Within five (5) days after the Settlement Administrator receives the Gross Settlement Amount, or as soon as reasonably practicable
13		
14	Settlement Administrator shall mail all Settlement Awards to Settlement Class Members	Within ten (10) days after the Settlement Administrator receives the Gross Settlement Amount, or as soon as reasonably practicable
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16		
17	Settlement Administrator shall make payment to LWDA, and payment of attorneys' fees and costs awards to Class Counsel	Within fifteen (15) days after the Settlement Administrator receives the Gross Settlement Amount, or as soon as reasonably practicable
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19		
20	Settlement Administrator shall send a reminder letter via U.S. mail and email to those who have not yet cashed their settlement check	With ninety (90) days remaining prior to the check cashing deadline
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22	Settlement Administrator shall place a call to those who have not yet cashed their settlement check	With sixty (60) days remaining prior to the check cashing deadline
23		
24	Checks for the Settlement Awards will become void if not cashed	One hundred and eighty (180) days from the date of the checks' issuance
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26	Settlement Administrator will provide counsel a report regarding the total amount of any funds that remain from checks that are returned as undeliverable or are not negotiated	Within ten (10) business days after the conclusion of the 180-day check cashing period
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<p>1 Funds from uncashed checks will be redistributed 2 to those Class Members who timely cashed their 3 settlement checks if the residual amount is equal 4 to or is more than \$75,000, or to revert in <i>cy pres</i> 5 if the residual amount is less than \$75,000</p>	<p>As soon as possible after the conclusion of the check-cashing period</p>
<p>4 Plaintiff will file a post-distribution accounting 5 showing the total funds actually paid to the 6 Settlement Class Members</p>	<p>Within twenty-one (21) days after the distribution of any remaining monies to Settlement Class Members who cashed their Settlement Award check or to the <i>cy pres</i> recipient</p>
<p>7 Class Counsel to immediately destroy the Class 8 List</p>	<p>Within five (5) business days following filing of the administrator's declaration regarding final accounting or completion of the settlement administration, whichever is earlier</p>

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12 **IT IS SO ORDERED.**

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14 Dated: _____

HON. EUMI LEE