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15 *Attorneys for Plaintiffs, on behalf of the*
16 *Putative Class, the State of California*
17 *and Aggrieved Employees*

18 **SUPERIOR COURT OF CALIFORNIA**
19 **COUNTY OF ALAMEDA**

20 KHAYO SISHI, SANDEEP PUREWAL,
21 VANESSA BARBER, and CHERRA REDD on
22 behalf of the Putative Class, the State of
23 California and Aggrieved Employees;

24 *Plaintiffs,*

25 v.

26 ESKATON PROPERTIES INCORPORATED,
27 CALIFORNIA HEALTHCARE
28 CONSULTANTS, INC., and DOES 1-100,
29 inclusive;

30 *Defendants.*

Case No.: RG21100764

Hon. Eumi Lee
Dept. 512

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: July 28, 2023
Time: 9:30 a.m.
Dept.: 512

Complaint Filed: June 2, 2021

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on **July 28, 2023, at 9:30 A.M.**, or as soon thereafter as the
4 matter may be heard in Department 512 of the Superior Court of California, County of Alameda,
5 Hayward Hall of Justice, located at 24405 Amador St, Hayward, CA 94544, the Honorable Eumi
6 Lee presiding, Plaintiffs Khayo Sishi, Sandeep Purewal, Vanessa Barber, and Cherra Redd, on behalf
7 of themselves and all others similarly situated (“Plaintiffs”), will and hereby do move for an order:

8 1. Granting final approval of the Settlement and the settlement class based upon the terms
9 set forth in the Class Action Settlement Agreement and Release, and Addendum A and Addendum B
10 thereto (collectively “Settlement”),¹ including but not limited to the \$5,500,000.00 Gross Settlement
11 Amount;

12 2. Finding that dissemination of the Settlement Notice was accomplished as directed and
13 met the requirements of due process;

14 3. Ordering that the settlement class is certified for settlement purposes only as to the
15 following Class Members: all current and former hourly, non-exempt workers employed by
16 Defendants throughout California any time between June 2, 2017 and June 11, 2022;

17 4. Finally approving Plaintiffs Khayo Sishi, Sandeep Purewal, Cherra Redd, and Zenaya
18 White as Class Representatives;

19 5. Finally approving Schneider Wallace Cottrell Konecky LLP, Lawyers for Justice, PC,
20 and Capstone Law APC as Class Counsel;

21 6. Finally approving service award payments of \$10,000.00 to Plaintiff Khayo Sishi and
22 \$5,000 each to Plaintiffs Sandeep Purewal, Cherra Redd, and Zenaya White from the Gross Settlement
23 Amount;

24 7. Finally approving an award of attorneys’ fees in the amount of \$1,833,333.33 to Class
25 Counsel from the Gross Settlement Amount;

26 8. Finally approving an award of litigation costs in the amount of \$30,905.95 to Class
27 Counsel from the Gross Settlement Amount;

28 9. Finally approve an award of \$55,000 for penalties under California Private Attorneys
29

30 ¹ The Settlement and Addenda thereto were previously filed as Exhibits 1 and 2 to the Declaration of Carolyn Hunt Cottrell
31 in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, Certification of Settlement Class,
32 Approval of Notice of Settlement, and Setting of Hearing for Final Approval, as well as Exhibit 1 to the Declaration of Ori
Edelstein in Support of 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.

1 General Act of 2004 from the Gross Settlement Amount;

2 10. Finally approving Settlement Services, Inc. as the Settlement Administrator;

3 11. Finally approving payment of \$60,000.000 to Settlement Services, Inc. from the Gross
4 Settlement Amount for administering the Settlement;

5 12. Entering a final judgment consistent with the terms of the Settlement and this Motion,
6 and retaining jurisdiction over this Action for purposes of overseeing all settlement administration
7 matters; and

8 13. Finally approving the following implementation schedule:

9 Effective Date	(i) if there is an objection(s) to the settlement that is not subsequently 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 objection(s) and appeal by an objector(s), then after such appeal(s) is dismissed or the Court's Final Approval Order is affirmed on appeal; or (iii) if there are no timely objections to the settlement, or if any objections which were filed are withdrawn before the date of final approval, then the first business day after the Court's order granting Final Approval of the Settlement
10 11 12 13 14 15 16 17 18 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
19 20 21 Plaintiffs Sandeep Purewal, Vanessa Barber, Cherra Redd, and Zenaya White shall file requests for dismissal of their actions, in their other actions against Defendants	Within ten (10) days following the Effective Date
22 23 24 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
25 26 27 Defendants shall transfer the Gross Settlement Amount to the Qualified Settlement Fund(s)	Within twenty (20) business days of the Effective Date
28 29 30 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
31 32	

1	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
2		
3	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
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5		
6	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
7		
8		
9	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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11		
12	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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14		
15	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
16		
17	Checks for the Settlement Awards will become void if not cashed	One hundred and eighty (180) days from the date of the checks' issuance
18		
19	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
20		
21		
22	Funds from uncashed checks will be redistributed to those Class Members who timely cashed their settlement checks if the residual amount is equal to or is more than \$75,000, or to revert in <i>cy pres</i> if the residual amount is less than \$75,000	As soon as possible after the conclusion of the check-cashing period
23		
24		
25	Plaintiff will file a post-judgment report regarding any funds that remain from checks that are returned as undeliverable and not negotiated, pursuant to section 28 of the Agreement	At the conclusion of the 180-day check cashing period and following receipt of the Settlement Administrator's report showing the total funds that were actually paid to Settlement Class Members
26		
27		
28		
29	Plaintiff will file a post-distribution accounting pursuant to section 41.c. of the Agreement	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
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Class Counsel to immediately destroy the Class List	Within five (5) business days following filing of the administrator's declaration regarding final accounting or completion of the settlement administration, whichever is earlier
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This motion is based on this Notice of Motion and Motion for Final Approval, the accompanying Memorandum of Points and Authorities, the Declaration of Carolyn H. Cottrell in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement, the Declaration of Edwin Aiwazian, the Declaration of Raul Perez, the Notice Declaration from Aisha Lange of Settlement Services, Inc., Class Representatives' declarations, the Settlement, the Class Notice, the Preliminary Approval Order, all other documents and records on file in this action, and on such further oral and documentary evidence as may be given at the hearing on this motion.

Respectfully submitted,

Dated: June 30, 2023

SCHNEIDER WALLACE
COTTRELL KONECKY LLP

/s/ Ori Edelstein
Carolyn Hunt Cottrell
Ori Edelstein
Michelle S. Lim
Kristabel Sandoval

Attorneys for Plaintiffs, on behalf of the Putative Class, the State of California, and Aggrieved Employees