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ELECTRONICALLY FILED
Superior Court of California,
County of Orange
06/06/2016 at 03:16:00 PM
Clerk of the Superior Court
By Sarah Loose, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

ALFRED EUGENE HANEY, an individual;
Individually and on Behalf of All Similarly
Situated Individuals,

Plaintiffs,

vs.

ST. JOSEPH HEALTH SYSTEM, a California
corporation; ST. JOSEPH HEALTH SYSTEM,
INC., a California corporation; ST. JOSEPH
HEALTH FOUNDATION, a California
corporation; PETALUMA VALLEY
HOSPITAL, a California corporation;
PETALUMA VALLEY HOSPITAL
AUXILLARY, a California corporation; SANTA
ROSA MEMORIAL HOSPITAL, a California
corporation; and DOES 1 through 25, Inclusive,

Defendants.

Case No. 30-2014-00715936-CU-OE-CXC

[Assigned for all purposes to
The Honorable Gail A. Andler, Dept. CX101]

**ORDER FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT,
SETTING OF A FINAL APPROVAL
HEARING, AND APPROVAL OF NOTICE
TO THE CLASS**

Date: June 6, 2016
Time: 1:30 p.m.
Place: Department CX101

Complaint Filed: 04/04/2014
Trial Date: N/A

1 The Court, having fully reviewed Plaintiff's Motion for Preliminary Approval of Class
2 Action Settlement, the supporting Points and Authorities, the Declaration of Thomas W. Falvey in
3 support thereof, the Declaration of Michael H. Boyamian in support thereof, the Declaration of
4 Armand R. Kizirian in support thereof, the Amended Joint Stipulation of Settlement containing a
5 release, attached Notice of Settlement of Class Action, Proof of Claim Form, and Request for
6 Exclusion Form ("Final Settlement Agreement"), attached as exhibits to the Second Declaration of
7 Armand R. Kizirian in Support of Plaintiff's Motion for Preliminary Approval of Class Action
8 Settlement, and in recognition of the Court's duty to make a preliminary determination as to the
9 reasonableness of any proposed Class Action settlement, and if preliminarily determined to be
10 reasonable, to ensure proper notice is provided to Putative Class Members in accordance with due
11 process requirements; and to conduct a Final Approval hearing as to the good faith, fairness,
12 adequacy and reasonableness of any proposed settlement, THE COURT HEREBY MAKES THE
13 FOLLOWING DETERMINATIONS AND ORDERS:

14
15 1. The provisions of the Settlement Agreement are hereby provisionally approved,
16 subject to further consideration thereof at the Fairness Approval hearing set forth below. The
17 Court finds that this settlement is sufficiently within the range of reasonableness that notice of the
18 proposed settlement should be given as provided for in this Order.

19
20 2. The Court finds, on a preliminary basis, that the Final Settlement Agreement
21 appears to be within the range of reasonableness of a settlement which could ultimately be given
22 final approval by this Court; the Court notes that Defendants ST. JOSEPH HEALTH SYSTEM and
23 PETALUMA VALLEY HOSPITAL ("Defendants") have agreed to pay the entire Settlement
24 Amount of \$147,400.00 to the Putative Class Members, Class Representative, Class Counsel, the
25 Claims Administrator, and the State of California Labor Workforce and Development Agency, in
26 full satisfaction of the claims as more specifically described in the Final Settlement Agreement.
27 This amount is also inclusive of all employee-side payroll taxes. All employer-side payroll taxes
28 are to be paid separately by Defendants, are not included in the Settlement Amount of \$147,400.

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2 It further appears to the Court, on a preliminary basis, that the settlement is fair and
3 reasonable to Putative Class Members when balanced against the probable outcome of further
4 litigation, liability and damages issues, and potential appeals of rulings. It further appears that
5 significant formal and informal discovery, investigation, research, and litigation has been
6 conducted such that counsel for the Parties at this time are able to reasonably evaluate their
7 respective positions. It further appears that settlement at this time will avoid substantial costs,
8 delay and risks that would be presented by the further prosecution of the litigation. It also appears
9 that the proposed Settlement has been reached as the result of intensive, informed and non-
10 collusive negotiations between the Parties;

11

12 3. The Court finds for the purposes of settlement only that: (i) the number of
13 individuals in the Settlement Class is so numerous that joinder would be impractical; (ii) there is a
14 commonality of interests between the Class Representative and the members of the Settlement
15 Class; (iii) there are questions of law and fact that are common to the Settlement Class, and the
16 common questions related to the settlement predominate over individual questions; (iv) the Class
17 Representative's claims are typical of the claims of absent members of the Settlement Class; and
18 (v) the Class Representative will fairly and adequately represent the interests of the absent
19 members of the Settlement Class.

20

21 ACCORDINGLY, GOOD CAUSE APPEARING, THE MOTION FOR ORDER OF
22 PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT IS HEREBY GRANTED.

23

24 4. The Court finds that the proposed Notice of Class Action Settlement, the proposed
25 Claim Form, and the proposed Exclusion Form fully advise Putative Class Members of the
26 proposed settlement, of preliminary Court approval of the proposed Settlement, claim timing and
27 procedures, exclusion timing and procedures, dispute resolution procedures, and of the Final
28 Approval Hearing. These documents fairly and adequately advise Putative Class Members of the

1 terms of the proposed Settlement and the benefits available to Putative Class Members thereunder
2 in submitting a claim, as well as their right to exclude themselves from the Class and procedures
3 for doing so, and of the Final Approval Hearing and the right of Putative Class Members to file
4 documentation in objection and to appear in connection with said hearing; the Court further finds
5 that said Notice clearly comports with all constitutional requirements including those of due
6 process;

7
8 ACCORDINGLY, GOOD CAUSE APPEARING, THE COURT HEREBY APPROVES
9 THE PROPOSED NOTICE OF PROPOSED CLASS ACTION SETTLEMENT.

10
11 5. IT IS ORDERED that the Claims Administrator will submit a report on the result of
12 the claims process by September 2, 2016;

13
14 6. IT IS FURTHER ORDERED that the Final Approval Hearing shall be held before
15 the undersigned at 1:30 p.m., on September 12, 2016, at the above-entitled court located at 751 W.
16 Santa Ana Blvd, Santa Ana, CA 92701 to consider the fairness, adequacy and reasonableness of the
17 proposed Settlement preliminarily approved by this Order of Preliminary Approval, and to consider
18 the application of Class Counsel for an award of reasonable attorneys' fees, litigation expenses,
19 Class Representative Service Payment, and for costs of claims administration incurred;

20
21 7. IT IS FURTHER ORDERED that all briefs in support of final approval of the
22 Settlement and for Award of Attorneys' Fees, Costs, Class Representative Service Awards, and
23 Putative Class Member Service Awards shall be served and filed with the Court by August 26,
24 2016;

25
26 8. IT IS FURTHER ORDERED that any party to this case, including Putative Class
27 Members, may appear at the Final Approval Hearing in person or by counsel, and may be heard to
28 the extent allowed by the Court, in support of or in opposition to, the Court's determination of the

1 good faith, fairness, reasonableness and adequacy of the proposed Settlement, the requested
2 attorneys' fees and litigation expenses, and any Order of Final Approval and Judgment regarding
3 such Settlement, fees and expenses; provided, however, that no person, except Class Counsel and
4 counsel for Defendants, shall be heard in opposition to such matters unless such person has
5 complied with the conditions set forth in the Notice of Proposed Class Action Settlement which
6 conditions are incorporated therein;

7
8 9. IT IS FURTHER ORDERED that if, for any reason, the Court does not execute and
9 file an Order of Final Approval, or if the Effective Date does not occur for any reason whatsoever,
10 the proposed Settlement Agreement and the proposed Settlement subject of this Order and all
11 evidence and proceedings had in connection therewith, shall be without prejudice to the status quo
12 ante rights of the parties to the litigation as more specifically set forth in the Settlement Agreement.

13
14 10. IT IS FURTHER ORDERED that, pending further order of this Court, all
15 proceedings in this matter except those contemplated herein and in the Settlement Agreement are
16 stayed.

17
18 The Court expressly reserves the right to adjourn or continue the Final Approval Hearing
19 from time-to-time without further notice to the Putative Class Members.

20
21 **IT IS SO ORDERED.**

22 **Date Judge Signed: June 06, 2016**



23
24 THE HONORABLE GAIL A. ANDLER
25 JUDGE OF THE SUPERIOR COURT OF
26 CALIFORNIA, COUNTY OF ORANGE
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