

Envelope #15988022

1 **MAYALL HURLEY P.C.**
2 **ROBERT J. WASSERMANN (SBN: 258538)**
3 rwassermann@mavallaw.com
4 **NICHOLAS F. SCARDIGLI (SBN: 249947)**
5 nscardigli@mavallaw.com
6 **112 S Church St.**
7 **Lodi, CA 95240**
8 **Telephone: (209) 477-3833**
9 **Website: www.mavallaw.com**

FILED
July 19, 2024
Clerk of the Court
Superior Court of CA
County of Santa Clara

21CV387218
By: rwalker

7 **JAMES HAWKINS APLC**
8 **James R. Hawkings (SBN: 192925)**
9 **Isandra Fernandez (SBN: 220482)**
10 **Anthony Draper (SBN: 344391)**
11 **9880 Research Drive, Suite 200**
12 **Irvine, CA 92618**
13 **Telephone: (949) 387-7800**

14 **Attorneys for Plaintiff Tiffany Soliman, Maria Carralez,**
15 **Eugene Bautista and the Putative Class**

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **COUNTY OF SANTA CLARA**

18 TIFFANY SOLIMAN, MARIA CARRALEZ,
19 and EUGENE BAUTISTA, on behalf of
20 themselves and all other similarly situated,

21 Plaintiff,

22 vs.

23 SATELLITE HEALTHCARE, INC.; and
24 DOES 1-100, inclusive,

25 Defendants.

Case No. 21CV387218

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

26 Plaintiffs Tiffany Soliman, Maria Carralez, and Eugene Bautista (hereinafter "Plaintiffs")
27 Unopposed Motion for Preliminary Approval of Class Action Settlement (the "Motion") came on
28 for hearing before this Court on May 1, 2024. The Court's Tentative Ruling was to grant subject to
clarification of a few issues. Robert J. Wassermann, counsel for Plaintiffs and the putative Class,
submitted a declaration on June 17, 2024, addressing each of the Court's concerns. The matter was

1 back before the Court on July 3, 2024. After reviewing the declaration and discussing with
2 counsel, the Court makes the following determinations and orders:

3 1. Plaintiffs Tiffany Soliman, Maria Carralez, and Eugene Bautista are appointed as
4 Class Representatives.

5 2. Mayall Hurley P.C. and James Hawkins, ALPC are appointed as Class Counsel.

6 3. Atticus Administration, LLC is appointed as the Administrator and shall administer
7 the Settlement in accordance with the terms set forth in the Settlement Agreement and perform the
8 functions set forth therein. The Court also preliminarily approves declared fees and costs of
9 administering the Settlement of up to \$25,000.

10 4. The Class of employees covered by the Parties' Settlement consists of
11 All current and former non-exempt California employees of Defendant who worked during
12 the Class Period. SA ¶ 6.

13 5. Pursuant to California Civil Procedure section 382, and for purposes of settlement
14 only, the Class is preliminarily and conditionally certified.

15 6. The Court grants preliminary approval of the Settlement between Plaintiffs and
16 Satellite, based upon the terms set forth in the Settlement Agreement.

17 a. As to the Class, the Settlement Agreement appears to be fair, adequate and
18 reasonable, and the Court preliminarily approves the terms of the Settlement
19 Agreement.

20 b. The Court approves, as to form and content, the Class Notice, in substantially the
21 form attached as **Exhibit 5** to the Declaration of Robert J. Wassermann in Support
22 of Motion for Preliminary Approval. The Court further approves the procedure
23 by which Class Members may opt out of, and object to, the Settlement as set forth
24 in the Settlement Agreement and the Class Notice.

25 7. The Court directs mailing of the Class Notice in accordance with the terms of the
26 Settlement Agreement and on the schedule set forth below. The Court finds the dates
27 selected for the mailing and distribution of the Class Notice, as set forth below, meet
28 the requirements of due process and provide the best notice practicable under the

1 circumstances and shall constitute due and sufficient notice to all persons entitled
2 thereto.

3 8. Subject to further consideration by the Court at the time of the Final Approval
4 Hearing, the proposed PAGA allocation of \$50,000 and payment to the LWDA of \$37,500 is
5 preliminarily approved. Distribution of \$12,500 to the Class Members employed during the PAGA
6 Period based on the formula outlined in the Settlement Agreement is also approved.

7 9. Subject to further consideration by the Court at the time of the Final Approval
8 Hearing, the proposed Class / PAGA Representative Enhancement Awards of \$10,000 each, or a
9 combined 1.23% of the Gross Fund, to Plaintiffs for their service as Class / PAGA Representatives
10 are preliminarily approved.

11 10. Subject to further consideration by the Court at the time of the Final Approval
12 Hearing, Class Counsel's request of attorneys' fees in the amount of one-third of the Gross Fund,
13 presently expected to be \$808,333.33, and declared costs of up to \$35,000, are preliminarily
14 approved.

15 11. The Court adopts the following dates and deadlines:

16 Defendant to provide Class List	Within 15 days of preliminary approval order
17 Administrator to mail Class Notice	Within 10 days of provision of Class List
18 Deadline for Class Members to object or opt out	Within 45 calendar days after Class List mailed
19 Plaintiff to file Motion for Attorneys' Fees, Costs and Enhancement Payment.	Not less than 16 court days before the Final Approval hearing
20 Deadline for Plaintiff to file Motion for Final Approval.	Not less than 16 court days before the Final Approval hearing
21 Final Approval Hearing.	January 8, 2025

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 12. A Final Approval hearing on the question of whether the proposed Settlement,
2 attorneys' fees to Class Counsel, and the Class /PAGA Representatives' Enhancement Payments
3 should be finally approved as fair, reasonable and adequate is scheduled in for January 8, 2025 at
4 1:30 p.m. The parties to the Agreement are directed to carry out their obligations under the
5 Settlement Agreement.

6
7 Dated: July 19, 2024



8 HON. THEODORE C. ZAYNER
9 SUPERIOR COURT JUDGE