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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 DEBRA WOLF, individually and on behalf
12 of all other similarly situated individuals,

13 Plaintiff,

14 v.

15 THE PERMANENTE MEDICAL GROUP,
16 INC., a California corporation,

17 Defendant.
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No. 3:17-cv-05345-VC

CLASS ACTION

~~REVISED PROPOSED~~ ORDER AS MODIFIED:

- (1) **PRELIMINARILY APPROVING PROPOSED SETTLEMENT;**
- (2) **CONDITIONALLY CERTIFYING SETTLEMENT CLASS;**
- (3) **APPOINTING CLASS REPRESENTATIVE, CLASS COUNSEL, AND SETTLEMENT ADMINISTRATOR;**
- (4) **APPROVING FORMS OF NOTICE TO CLASS OF SETTLEMENT, CLASS MEMBER SETTLEMENT INFORMATION SHEET, AND ELECTION NOT TO PARTICIPATE IN SETTLEMENT; AND**
- (5) **SETTING HEARING FOR FINAL APPROVAL OF SETTLEMENT**

Date: May 3, 2018

Time: 10:00 a.m.

Courtroom: 4

450 Golden Gate Avenue, 17th Floor
San Francisco, California 94102

Judge: Hon. Vince Chhabria

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Attorneys for Defendant
The Permanente Medical Group, Inc.

1 On May 3, 2018, a hearing was held on the joint motion of named plaintiff Debra Wolf and opt-
2 in plaintiff Natty Medrano (“Plaintiffs”) and defendant The Permanente Medical Group, Inc. (“TPMG”),
3 for conditional certification of a settlement class in this action, preliminary approval of the parties’
4 proposed settlement, approval of the notice to be sent to the class about the settlement and the forms of
5 class member settlement information sheet and election not to participate in the settlement, and the
6 setting of a date for the hearing on final approval of the settlement. Kevin J. Stoops, Jason J. Thompson
7 and Charles R. Ash, IV, of Sommers Schwartz, P.C., and Jahan C. Sagafi of Outten & Golden LLP
8 appeared for Plaintiffs; and Jeffrey D. Wohl and Caitlin M Wang of Paul Hastings LLP appeared for
9 TPMG.

10 The Court having read and considered the papers on the motion, the arguments of counsel, and
11 the law; and good cause appearing therefore,

12 IT IS ORDERED:

13 1. The proposed class satisfies the requirements of a settlement class because the class
14 members are readily ascertainable and a well-defined community of interest exists in the questions of
15 law and fact affecting the parties.

16 2. The parties’ Settlement Agreement (the “Settlement” or the “Agreement”) is granted
17 preliminary approval as it meets the criteria for preliminary settlement approval. The Settlement falls
18 within the range of possible approval as fair, adequate and reasonable, and appears to be the product of
19 arm’s length and informed negotiations and to treat all Class Members fairly.

20 3. The parties’ proposed notice plan is constitutionally sound because individual notices
21 will be mailed by U.S. mail to all Class Members whose identities are known to the parties, and e-
22 mailed to all Class Members’ known personal and work e-mail addresses. All settlement materials,
23 including the Settlement Agreement and Plaintiffs’ motion for attorneys’ fees and costs, will be
24 available on the settlement website. Such notice is the best notice practicable. The parties’ proposed
25 Notice of Proposed Settlement, Conditional Certification of Settlement Class, Preliminary Approval of
26 Settlement, and Hearing Date for Final Court Approval (the “Class Notice”) (Settlement, Exh. A), and
27 proposed forms of Class Member Settlement Information Sheet and Election Not to Participate in
28 Settlement (*id.*, Exhs. B, C) are sufficient to inform Class Members of the terms of the Settlement, their

1 rights under the Settlement, their rights to object to or comment on the settlement, their right to receive a
2 Settlement Share or elect not to participate in the Settlement, and the processes for doing so, and the date
3 and location of the final approval hearing and are therefore approved. As discussed with the parties at
4 the preliminary approval hearing, the Court construes the class member release language as releasing
5 only claims based on the identical factual predicate as that underlying the claims in this case. See *Hesse*
6 *v. Sprint Corp.*, 598 F.3d 581, 590 (9th Cir. 2010).

7 4. The following persons are certified as Class Members solely for the purpose of entering a
8 settlement in this matter:

9 All current and former hourly Teleservice Representatives who work or have worked for
10 TPMG at one or more of its call centers located in Sacramento, San Jose or Vallejo,
11 California, at any time from September 14, 2013, through the date on which the Court
12 grants preliminary approval of the Settlement, excluding those individuals who already
13 have resolved the claims asserted in the Action, whether by settlement or adjudication.

14 5. Class Members will receive a Settlement Share unless they submit a valid and timely
15 Election Not to Participate in Settlement form.

16 6. Any Class Member who elects not to participate in the Settlement has until 45 days after
17 the mailing of the Class Notice to submit his or her Election Not to Participate in Settlement pursuant to
18 the procedures set forth in the Class Notice.

19 7. Any Class Member who wishes to object to the Settlement has until 45 days after the
20 mailing of the Class Notice to mail to the Clerk of Court his or her written objection or file his or her
21 objection in person at any location of the United States District Court for the Northern District of
22 California, pursuant to the procedures set forth in the Class Notice. The failure to submit a compliant
23 objection may be excused upon a showing of good cause. Late objections will be accepted only if the
24 objector shows good cause or good reason for the delay. Any Class Member who wishes to object may
25 also appear at the Final Approval Hearing, either in person or through his or her own attorney.

26 8. The motion for attorneys' fees will be filed at least 14 days before the deadline for
27 objecting to the settlement.

28 9. Any Class Member who wishes to object to the requests for the Class Representative
Payment or the Class Counsel Fees and Expenses Payment has until 21 days before the Final Approval
Hearing to file with the Clerk of Court his or her written objection, pursuant to the procedures set forth

1 in the Class Notice. Late objections will be accepted only if the objector shows good cause or good
2 reason for the delay.

3 10. Simpluris, Inc., is appointed to act as the Settlement Administrator, pursuant to the terms
4 set forth in the Agreement.

5 11. Named plaintiff Debra Wolf and opt-in plaintiff Natty Medrano are appointed the Class
6 Representatives. Kevin J. Stoops, Jason J. Thompson and Charles R. Ash, IV, of Sommers Schwartz,
7 P.C., and Jahan C. Sagafi of Outten & Golden LLP are appointed Class Counsel.

8 12. The Class Notice will be disseminated according to the notice plan described in the
9 Settlement Agreement and substantially in the form submitted by the parties. Proof of distribution of the
10 Class Notice will be filed by the parties in conjunction with the motion for an order granting final
11 approval of the Settlement.

12 13. TPMG is directed to provide to the Settlement Administrator not later than 15 days after
13 the date of this order the Class Members' Data as specified by the Settlement Agreement.

14 14. The Settlement Administrator is directed to mail by first class U.S. mail and e-mail to
15 their known personal and work e-mail addresses the approved Class Notice, Class Member Settlement
16 Information Sheet, and Election Not to Participate in Settlement (the "Notice Packet") to the Class
17 Members not later than 15 days after receipt of the Class Members' Data.

18 15. A final approval hearing will be held on September 6, 2018, at 10:00 a.m., to determine
19 whether the Settlement should be granted final approval as fair, reasonable, and adequate as to the Class
20 Members. The Court will hear all evidence and argument necessary to evaluate the Settlement, and will
21 consider Plaintiffs and Class Counsel's request, made by separate motion, for the Class Representative
22 Payments and the Class Counsel Fees and Expenses Payment. The parties' Joint Motion for Final
23 Approval may not exceed 25 pages. Class Members and their counsel may support or oppose the
24 Settlement and the motion for awards of the Class Representative Payments and the Class Counsel Fees
25 and Expenses Payment, if they so desire, as set forth in the Class Notice.

26 16. The Court reserves the right to continue the date of the final approval hearing without
27 further notice to Class Members. The Court retains jurisdiction to consider all further applications
28 arising out of or in connection with the Settlement.

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IT IS SO ORDERED.

Dated: May 9, 2018.



Vince Chhabria
United States District Judge