

Wilson v. Parkview Community Hospital Medical Center

Phoenix Settlement Administrators

P.O. Box 7208

Orange, CA 92863

Telephone: (800) 523-5773

Facsimile: (949) 209-2503

Email: notice@phoenixclassaction.com

IMPORTANT LEGAL MATERIALS

<<Name1>>

<<Address1>>

<<City>> <<State>> <<Zip10>>

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

WILSON v. PARKVIEW COMMUNITY HOSPITAL MEDICAL CENTER
Case No. RIC2001079

**NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED
SETTLEMENT**

**YOU ARE ESTIMATED TO RECEIVE APPROXIMATELY \$309.67 THROUGH THIS CLASS
ACTION SETTLEMENT.**

To: (1) All non-exempt employees of Defendant who were paid shift differentials and sick pay wages in same period and whose employment ended at any time during the Class Period (the "Sick Pay Sub-Class Members"); and (2) all employees who allegedly transitioned employment from Parkview to DHOR at the end of the Class Period (the "Late Pay Sub-Class Members")

**PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED.
YOU MAY BE ENTITLED TO RECEIVE MONEY FROM THIS PROPOSED SETTLEMENT.
TO RECEIVE YOUR SHARE, YOU DO NOT NEED TO DO ANYTHING.**

This Notice is Court Approved. This is not a solicitation from an attorney.

1. WHY DID I GET THIS NOTICE?

You received this Notice because the court granted preliminary approval of a proposed settlement (the "Settlement") in the class action and representative lawsuit entitled *WILSON v. PARKVIEW COMMUNITY HOSPITAL MEDICAL CENTER* Case No. RIC2001079 (hereinafter referred to as the "Action") on July 14, 2022.

The Notice explains the nature of the Action, the general terms of the proposed Settlement, and your legal rights and obligations. To obtain more information about the Settlement, including information about how you can see a copy of the Settlement Agreement, see Section 15, below.

2. WHAT IS THE ACTION ABOUT?

On March 6, 2020, Plaintiff filed a Class Action Complaint against Defendant and DHOR, on behalf of Plaintiff and other similarly situated employees alleging: (1) violation of Labor Code §226; and (2) Violation of Labor Code §§201-203. On April 30, 2020, Plaintiff filed a First Amended Complaint adding a cause of action for Violation of Labor Code §2698, et seq. ("PAGA"). On October 26, 2020, Plaintiff filed a Second Amended Complaint for Violation of Labor Code §§201-203 and (2) Violation of Labor Code §2698, et seq. ("Operative Complaint"). On November 30, 2020, Defendant Parkview filed an Answer to the Operative Complaint.

Parkview vehemently denies the allegations in the Action and is prepared to continue to defend the action vigorously. No court has made any ruling on the merits in the Action. The Court has determined only that there is sufficient evidence to suggest that the proposed settlement might be fair, adequate, and reasonable, and that any final determination of those issues will be made at the final hearing.

3. WHAT IS A CLASS ACTION?

In a class action lawsuit, one or more persons sue on behalf of other people who have similar claims. Plaintiff brought his case as a class action.

In the Action, the Plaintiff seeks to represent you on a class and representative basis. Parkview is the Defendant. A class action allows the Court to resolve the claims of all the class members at the same time. A class member is bound by the determination or judgment entered in the case, whether the class wins or loses, and may not file his or her own lawsuit on the same claims that were decided in the class action. A class action allows one court to resolve all of the issues in a lawsuit for all the class members who choose not to exclude themselves from the class.

4. WHO IS INCLUDED IN THE SETTLEMENT CLASS?

Sick Pay Sub-Class Members: all non-exempt employees of Defendant who were paid shift differentials and sick pay wages in same period and whose employment ended at any time between March 6, 2017 through February 1, 2019 (“Class Period”); and

Late Pay Sub-Class Members: All employees who allegedly transitioned employment from Parkview to Doctors Hospital of Riverside on February 1, 2019.

5. WHAT ARE THE TERMS OF THE CLASS SETTLEMENT?

There was a hearing on July 26, 2022, in the Superior Court of the State of California for the County of Riverside, at which time Judge Angel M. Bermudez preliminarily approved the Settlement. The Settlement will resolve the Class Members’ claims for violation of Labor Code §§201-203 and 246, for unpaid regular rate of pay as it relates to sick pay during the Class Period and for unpaid waiting time penalties for employees who transitioned employment from Parkview to Doctors Hospital of Riverside on February 1, 2019 any claims for unpaid regular rate of pay as it relates to sick pay that arose during the Class Period.

The Settlement represents a compromise of highly disputed claims. Based on the investigation conducted by Plaintiff’s counsel, the estimated range of recovery for the entire class was between approximately \$ _____. Nothing in the Settlement is intended or will be construed as an admission by Parkview that the claims in the Actions have merit or that Parkview has any liability to the Plaintiff or the Class Members on those claims. No court has made any ruling on the merits of the Action.

The parties have agreed to settle the case for \$500,000.00 (“Settlement Fund”). Under the terms of the settlement, the following payments have been agreed to: (1) attorneys’ fees not to exceed \$166,666.66 (33 1/3%) of the total settlement amount; (2) all documented litigation costs to Class Counsel, in amounts set by the Court, which are expected to not exceed \$12,500; (3) service payment to the Named Plaintiff for services in the Action, in an amount not to exceed \$5,000; and (4) \$10,500 for administration settlement costs. The amount of money remaining after these payments is the amount that will be distributed to individuals who are Settlement Class Members. This amount is known as the “Settlement Class Awards.”

Each Class Member will receive a Settlement Class award based on their pro-rata share of the Net Settlement Amount for Settlement Class Members who do not validly opt-out of this Settlement. In other words, the Net Settlement Amount will be divided by the total number of Settlement Class Members who do not validly opt-out of this Settlement.

Your estimated Settlement payments is \$309.67.

6. HOW DOES THE SETTLEMENT AFFECT MY RIGHTS?

If the Settlement is approved, the Court will enter a Final Order and Judgment. Upon entry of the Final Order and Judgment, you will release the following claims, and will be barred from prosecuting any and all such claims, against Parkview, its past and present officers, directors, employees and agents:

Any and all claims, debts, liabilities, demands, obligations, guarantees, costs, expenses, attorneys’ fees, and/or damages, including without limitation for violation of Labor Code §§ 201-203 and 246, based on the facts

alleged in the Operative Complaint, and any claims for unpaid regular rate of pay as it relates to sick pay that arose during the Class Period (the “Sick Pay Sub-Class Member Released Claims”), and upon funding of the Settlement Fund by Defendant, each Late Pay Sub-Class Member who has not submitted a valid request for exclusion fully releases and discharges Defendant and the Released Parties, from any and all claims, debts, liabilities, demands, obligations, guarantees, costs, expenses, attorneys’ fees, and/or damages, including without limitation for violation of Labor Code §§ 201-203, based on the facts alleged in the Operative Complaint, and any claims for unpaid regular rate of pay as it relates to sick pay that arose during the Class Period (the “Late Pay Sub-Class Member Released Claims”).

The precise definitions of the capitalized terms in the paragraphs above can be found in the Joint Stipulation and Settlement of Class Action between Plaintiff and Defendant Parkview Community Hospital Medical Center filed on June ***, 2022, which can be viewed at the Courthouse (Superior Court of the State of California for the County of Riverside, 30755-D Auld Road, Murrieta, CA 92563) during normal business hours or viewed online at <https://epublic-access.riverside.courts.ca.gov/public-portal/>.

7. WHAT DO I NEED TO DO TO RECEIVE A SETTLEMENT PAYMENT?

You do not need to do anything to participate in the settlement. You will receive a monetary award from this Settlement approximately 90 days after the Final Approval Hearing on December 19, 2022, if the Settlement is approved, and no later appeal is filed. Class Counsel have been appointed and approved by the Court and Class Counsel will represent you.

NOTE: It is your responsibility to keep a current address on file with the Settlement Administrator to ensure receipt of your settlement payment. If you fail to keep your address current, you may not receive your settlement payment.

8. WHAT IF I WANT TO OBJECT TO THIS SETTLEMENT?

You can object to any of the terms of the Settlement before or at the Final Approval Hearing. Failure to take the steps below will be deemed a waiver of your objections. If the Court rejects your objection, you will still be bound by the terms of the Settlement, and receive a settlement payment unless you timely request to be excluded from the settlement and submit the exclusion form provided to you. To object, in writing, you should mail your written objection to the Settlement Administrator at the addresses listed below by September 22, 2022, 45 days after the date of mailing of this Notice:

Wilson v. Parkview

Phoenix Settlement Administrators
P.O. Box 7208
Orange, CA 92863
Telephone: (800) 523-5773
Facsimile: (949) 209-2503
Email: notice@phoenixclassaction.com

Any written objections shall state each specific reason for your objection and any legal support for each objection. You may use the enclosed Objection Form and state the reason for your objection. You may appear personally at the Final Approval Hearing, or through your own counsel, paid for at your own expense.

IF YOU DO NOT TIMELY MAKE YOUR OBJECTION, YOU WILL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS AND WILL NOT BE ENTITLED TO SPEAK AT THE FINAL APPROVAL HEARING.

9. WHAT IF I DON’T WANT TO PARTICIPATE IN THIS SETTLEMENT?

You have the right to request exclusion from the settlement. To do so, you may use the enclosed exclusion form and mail it to the Settlement Administrator at the following address:

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To be valid, a written request for exclusion can be made by utilizing the enclosed Request for Exclusion Form or must state that you wish to be excluded, and (1) must contain your name (and former names, if any), current address; (2) must be signed by you; (3) must be postmarked on or before September 22, 2022; and (4) returned to the Settlement Administrator at the address listed above.

Unless you timely request to be excluded from the settlement, you will be bound by the judgment upon final approval of the Settlement, including the Release described in this Notice. Class Counsel will not represent your interests if you request to be excluded.

10. WILL THE NAMED PLAINTIFF BE COMPENSATED FOR BRINGING THIS LAWSUIT?

The Plaintiff individually will request a service award of up to \$5,000 for her services as the Representative and for her efforts in bringing the Action. The Court will make the final decision as to the amount of the service award to be paid to the Plaintiff. Plaintiff's Application for her service award can be viewed at the Courthouse after November 23, 2022, during normal business hours (as well as Class Counsel's Application for Attorneys' Fees and Costs as discussed below). Plaintiff's Application will be available for review by no later than November 23, 2022.

11. DO I HAVE A LAWYER IN THIS CASE?

Yes. The Court has ordered that the interests of Named Plaintiff and the Class Members are represented by counsel for Named Plaintiff as follows:

Larry W. Lee, Esq.
DIVERSITY LAW GROUP
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554
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Edward W. Choi, Esq.
LAW OFFICES OF CHOI & ASSOCIATES
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William L. Marder (SBN 170131)
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Hollister, California 95023
Telephone: 831.531.4214
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bill@polarislawgroup.com

Dennis S. Hyun (SBN 224240)
HYUN LEGAL, APC
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
dhyun@hyunlegal.com

(Collectively, "Class Counsel"). Class Members will not be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

12. HOW WILL THE LAWYERS BE PAID?

Class Counsel will be requesting from the Court an amount not to exceed 33 1/3% of the total settlement amount (in other words, up to \$166,666.66) for their attorneys' fees and litigation costs not exceeding \$12,500. A copy of Class Counsel's application for attorneys' fees and costs can be viewed at the Courthouse after November 23, 2022, during normal business hours or viewed online at <https://epublic-access.riverside.courts.ca.gov/public-portal/>. The actual amount awarded to Class Counsel will be determined by the Court.

13. WHAT IS THE FINAL APPROVAL HEARING?

The Court has preliminarily approved the Settlement and will hold a hearing to decide whether to give final approval to the Settlement. The purpose of the Final Approval Hearing will be for the Court to determine whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Class; to consider the award of attorneys’ fees and expenses to Class Counsel; and to consider the request for a service award to Named Plaintiff.

14. WHEN AND WHERE IS THE FINAL APPROVAL HEARING?

The Court will hold the Final Approval Hearing on December 19, 2022, at 10:30 p.m., in Department S302 of the Superior Court of the State of California for the County of Riverside, Southwest Justice Center, 30755-D Auld Road, Murrieta, CA 92563 (“Final Approval Hearing”).

The Final Approval Hearing may be continued without further notice to the Class Members. It is not necessary for you to appear at the Final Approval Hearing to have your objection considered by the Court. However, you have the right to attend the Final Approval Hearing and be represented by your own counsel at your own expense. If you plan to attend the Final Approval Hearing, you may contact Class Counsel to confirm the date and time. If the Settlement is not approved by the Court or does not become final for some reason, the Action may continue to trial. If you served a timely objection with the Settlement Administrator, you will be provided with notice of any continuances of the final approval hearing by first class mail.

15. MAY I SPEAK AT THE FINAL APPROVAL HEARING?

At the hearing, the Court will be available to hear any objections and arguments concerning the Settlement. You may attend, but you do not have to attend. If you have requested exclusion from the Settlement, however, you may not speak at the Final Approval Hearing.

16. HOW DO I GET MORE INFORMATION?

To see a copy of the Joint Stipulation and Settlement of Class Action between Plaintiff and Defendant Parkview Community Hospital Medical Center filed on June 28, 2022, (which defines the capitalized terms used in this Notice and provides a brief summary of what has happened in the Action), the Court’s Preliminary Approval Order, Class Counsel’s application for attorneys’ fees and costs, the operative Complaint filed in the *Wilson* lawsuit, and other filed documents related to Wilson’s lawsuit and this Settlement, you may view all such files at the Clerk’s office at the Superior Court of the State of California for the County of Riverside, 30755-D Auld Road, Murrieta, CA 92563 or viewed online at <https://epublic-access.riverside.courts.ca.gov/public-portal/>.

IF YOU NEED MORE INFORMATION OR HAVE ANY QUESTIONS, you may contact the Settlement Administrator at the address and telephone number listed below, toll free. Please refer to the *Wilson v. Parkview Class Action Settlement*.

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You may also contact the attorneys for the Class, whose names and contact information is listed above.

17. WHAT IF MY INFORMATION CHANGES?

If, after you receive this Notice, you change your postal address or telephone number, it is your responsibility to inform the Settlement Administrator of your updated information.

DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE