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VENTURA SUPERIOR COURT

02/10/23

VENTURA  
SUPERIOR COURT  
**FILED****FEB 22 2023**BRENDA L. McCORMICK  
Executive Officer and Clerk  
By: *[Signature]* Deputy  
**(CRISTAL V. ALVAREZ)**

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*Attorneys for Plaintiffs*

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

ANTELMA CHAVEZ, as an individual and  
 on behalf of all others similarly situated,

Plaintiff,

v.

LINCARE INC., a Delaware corporation; and  
 DOES 1 through 100,

Defendants.

Case No. 56-2019-00536955-CU-OE-VTA

*[Assigned for all purposes to the  
 Hon. Ronda McKaig, Dept. 41]*

**[AMENDED ~~PROPOSED~~] ORDER  
 GRANTING PRELIMINARY  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT**

Date: February 17, 2023  
 Time: 8:20 a.m.  
 Dept.: 41

Complaint Filed: December 5, 2019  
 Trial Date: None Set

1 Plaintiffs Antelma Chavez and Bernal Mazariegos ("Plaintiffs") Motion for Preliminary  
 2 Approval of Class Action Settlement (the "Motion") came on regularly for hearing before this  
 3 Court on February 17, 2023, at 8:20 a.m. The Court, having considered the proposed Joint  
 4 Stipulation of Class Action Settlement (the "Settlement"), attached as Exhibit I to the Declaration  
 5 of Paul K. Haines filed with the Motion; having considered the Motion, memorandum of points  
 6 and authorities in support thereof, and supporting declarations filed therewith, and any argument  
 7 presented at the hearing on the Motion; and good cause appearing, HEREBY ORDERS THE  
 8 FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set  
 10 forth in the Settlement, and finds its terms to be within the range of reasonableness of a settlement  
 11 that ultimately could be granted final approval by the Court at a Final Approval Hearing. For  
 12 purposes of the Settlement only, the Court finds that the proposed Settlement Class is  
 13 ascertainable and that there is a sufficiently well-defined community of interest among the  
 14 members of the Settlement Class in questions of law and fact. Therefore, for settlement purposes  
 15 only, the Court grants conditional certification of the following Settlement Class:

16 All non-exempt, hourly workers who were employed by Lincare Inc.  
 17 ("Lincare") in California at any time from December 5, 2015 through and  
 18 including August 11, 2022. The Settlement Class, however, specifically  
 19 excludes any employee who previously brought a lawsuit against Lincare  
 20 Inc. and which subsequently resulted in settlement.

21 2. For purposes of the Settlement, the Court designates Plaintiffs as Class  
 22 Representatives, and designates Paul K. Haines, Sean M. Blakely, and Alexandra R. McIntosh of  
 23 Haines Law Group, APC as Class Counsel.

24 3. The Court designates Phoenix Settlement Administrators as the third-party  
 25 Settlement Administrator for mailing notices.

26 4. The Court approves, as to form and content, the Notice of Class Action Settlement  
 27 ("Notice"), and the Notice of Settlement Award, attached as Exhibit A to the Settlement  
 28 (collectively, the "Notice Packet").

5. The Court finds that the proposed form of notice to the Settlement Class members  
 regarding the pendency of this litigation and of the Settlement, and the proposed method of giving

1 notice to Settlement Class members, constitute the best notice practicable under the  
2 circumstances, and constitute valid, due, and sufficient notice to all Settlement Class members.  
3 The proposed form and method of giving notice complies fully with the requirements of  
4 California Code of Civil Procedure section 382, California Civil Code section 1781, California  
5 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other  
6 applicable law.

7 6. The Court further approves the procedures for Settlement Class members to opt  
8 out of or object to the Settlement, as set forth in the Notice.

9 7. The procedures and requirements for submitting objections in connection with the  
10 Final Approval Hearing are intended to ensure the efficient administration of justice and the  
11 orderly presentation of any Settlement Class member's objection to the Settlement, in accordance  
12 with the due process rights of all Settlement Class members.

13 8. The Court directs the Settlement Administrator to mail the Notice Packet to the  
14 Settlement Class members in accordance with the terms of the Settlement.

15 9. The Notice shall provide at least sixty (60) calendar days' notice for Settlement  
16 Class members to opt out of, or object to, the Settlement.

17 10. The Final Approval Hearing on the question of whether the Settlement should be  
18 finally approved is scheduled in in Department 41 of this Court, located at 800 South Victoria  
19 Avenue, Ventura, CA 93009 on July 25, 2023 at 8.20 a.m./ p.m.


20 11. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement  
21 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether  
22 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiffs'  
23 application for reasonable attorneys' fees, reimbursement of litigation expenses, enhancement  
24 awards to Plaintiffs, settlement administration costs, and payment to the Labor & Workforce  
25 Development Agency ("LWDA") should be granted.

26 12. Counsel for the parties shall file memoranda, declarations, or other statements and  
27 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation  
28 expenses, Plaintiffs' enhancement awards, settlement administration costs, and payment to the

1 LWDA prior to the Final Approval Hearing according to the time limits set by the Code of Civil  
2 Procedure and the California Rules of Court.

3 13. An implementation schedule is below:

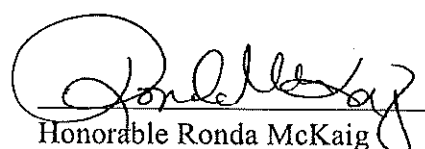
Event	Date
Lincare to provide Class Data to Settlement Administrator no later than [15 calendar days after preliminary approval]:	March 6, 2023
Settlement Administrator to mail Notice Packets to Settlement Class members no later than [10 calendar days after receiving Class Data]:	March 16, 2023
Deadline for Settlement Class members to opt out, or object to, the Settlement, or submit disputes to the Settlement Administrator [60 days after mailing of Notice Packets]:	May 15, 2023
Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement	June 13, 2023
Final Approval Hearing	July 25, 2023 at 8:20 a.m./p.m.

14 14. Pending the Final Approval Hearing, all proceedings in this litigation, other than  
15 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this  
16 Order, are stayed. 

17 15. Counsel for the parties are hereby authorized to utilize all reasonable procedures  
18 in connection with the administration of the Settlement which are not materially inconsistent with  
19 either this Order or the terms of the Settlement.

20 **IT IS SO ORDERED.**

21  
22 Dated: Feb-17, 2023

  
Honorable Ronda McKaig  
Judge of the Superior Court