

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 260264 NAME: <b>Kelsey M. Szamet</b> FIRM NAME: <b>Kingsley &amp; Kingsley, APC</b> STREET ADDRESS: <b>16133 Ventura Blvd., Suite 1200</b> CITY: <b>Encino</b> STATE: <b>CA</b> ZIP CODE: <b>91436</b> TELEPHONE NO.: <b>(818) 990-8300</b> FAX NO.: <b>(818) 990-2903</b> E-MAIL ADDRESS: <b>kelsey@kingsleykingsley.com</b> ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p><b>ELECTRONICALLY FILED BY          Superior Court of California,          County of Monterey          On 6/1/2023 8:55 AM          By: Brenda Cerna, Deputy</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Monterey</b> STREET ADDRESS: <b>1200 Aquilto Road</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Monterey, CA 93940</b> BRANCH NAME: <b>Monterey Division</b>	
PLAINTIFF/PETITIONER: <b>Ingrid Hansen-Schoolderman</b> DEFENDANT/RESPONDENT: <b>Southern Monterey County Memorial Hospital</b> OTHER:	CASE NUMBER: <b>21CV003609</b> JUDICIAL OFFICER: <b>Hon. Thomas W. Wills</b>
<b>PROPOSED ORDER (COVER SHEET)</b>	DEPT: <b>15</b>

**NOTE:** This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:  
 Kelsey M. Szamet, Esq. on behalf of Plaintiff
  
2. Title of the proposed order:  
 [Proposed] Order Granting Preliminary Approval of Class Action Settlement
  
3. The proceeding to which the proposed order relates is:
  - a. Description of proceeding: **Pl's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement**
  - b. Date and time: **June 23, 2023, 8:30 a.m.**
  - c. Place: **15**
  
4. The proposed order was served on the other parties in the case.

Kelsey M. Szamet  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)



\_\_\_\_\_  
 (SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME: Ingrid Hansen-Schoolderman v. Sourthern Monterey County Memorial Hospital	CASE NUMBER: 23CV003609
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**PROOF OF ELECTRONIC SERVICE  
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):  
16133 Ventura Blvd., Suite 1200, Encino, CA 91436

b. My electronic service address is (*specify*): michelle@kinaslevkinaslev.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):  
FENTON & KELLER, APC Elizabeth R. Leitzinger; Gladys Rodriguez-Morales (counsel for defendant)  
ABRAMSON LABOR GROUP William Zev Abramson (counsel for plaintiff)

b. To (*electronic service address of person served*): Eleitzinger@fentonkeller.com; amorales@fentonkeller.com; Wza@abramsonlabor.com


c. On (*date*): June 1, 2023

Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 1, 2023

Michelle Tanzer  
\_\_\_\_\_  
(TYPE OR PRINT NAME OF DECLARANT)

  
\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

**KINGSLEY & KINGSLEY, APC**  
ERIC B. KINGSLEY, Esq. (SBN 185123)  
eric@kingsleykingsley.com  
KELSEY M. SZAMET, Esq. (SBN 260264)  
kelsey@kingsleykingsley.com  
16133 Ventura Blvd., Suite 1200  
Encino, CA 91436  
Tel: (818) 990-8300, Fax (818) 990-2903

**ABRAMSON LABOR GROUP**  
WILLIAM ZEV ABRAMSON, Esq. (SBN 289387)  
wza@abramsonlabor.com  
3580 Wilshire Blvd, Suite 1260  
Los Angeles, CA 90010-2513  
Tel: (213) 492-6300; Fax: (213) 382-4083

Attorneys for Plaintiff and the Proposed Class

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

INGRID HANSEN-SCHOOLDERMAN, an  
individual, on behalf of herself and others  
similarly situated,

PLAINTIFF,

v.

SOUTHERN MONTEREY COUNTY  
MEMORIAL HOSPITAL; and DOES 1 thru  
50, inclusive,

DEFENDANTS.

CASE NO. 21CV003609

[Case Assigned for All Purposes to Hon.  
Thomas W. Wills in Dept. 15]

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

*[Filed concurrently with Plaintiff's Motion for  
Preliminary Approval and Declaration of  
Kelsey M. Szamet]*

Date: June 23, 2023

Time: 8:30 A.M.

Dept.: 15

Complaint Filed: November 12, 2021

Trial Date: None Set

1           The Motion for Preliminary Approval of the Class Settlement came before this Court on  
2 June 23, 2023, the Honorable Thomas W. Wills, presiding. The Court, having considered the  
3 papers submitted in support of the motion of the parties, **HEREBY ORDERS THE**  
4 **FOLLOWING:**

5           1. The Court grants preliminary approval of the proposed settlement based upon the  
6 terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement”) filed  
7 herewith. The Agreement appears to be fair, adequate, and reasonable to the Class. The Court  
8 finds that: (a) the Agreement resulted from extensive arm’s length negotiations; and (b) the  
9 Agreement is sufficient to warrant notice of the Agreement to persons in the Class and a full  
10 hearing regarding final approval of the Agreement.

11           2. For purposes of this Order, the proposed Class is defined as follows:

12           “All persons who are employed or have been employed as a non-  
13 exempt employee by SOUTHERN MONTEREY COUNTY  
14 MEMORIAL HOSPITAL, in the State of California during the  
Covered Period.” (“Settlement Class Members” or “Class”)

15           3. The Class Period is from November 12, 2017 to March 7, 2023.

16           4. The Agreement falls within the range of reasonableness and appears to be  
17 presumptively valid, subject only to any objections that may be raised at the final fairness hearing  
18 and final approval by this Court.

19           5. The Court makes the following preliminary findings for settlement purposes only:

20           A. The Class, which consists of approximately 660 persons, is so numerous that  
21 joinder of all members is impracticable;

22           B. There appear to be questions of law or fact common to the Class for purposes  
23 of determining whether this Settlement should be approved;

24           C. Plaintiff’s claims appear to be typical of the claims being resolved through  
25 the proposed settlement;

26           D. Plaintiff appears to be capable of fairly and adequately protecting the  
27 interests of the Settlement Class Members in connection with the proposed  
28 settlement;

          E. Common questions of law and fact appear to predominate over questions  
affecting only individual persons in the Class. Accordingly, the Class

1 appears to be sufficiently cohesive to warrant settlement by representation;  
2 and

3 F. Certification of the Class appears to be superior to other available methods  
4 for the fair and efficient resolution of the claims of the Class.

5 6. The Court approves, as to form and content, the Notice of Class Action Settlement  
6 to Settlement Class Members in substantially the form attached to the Agreement as Exhibit "A".

7 7. The Court approves the procedure for Settlement Class Members to opt out to the  
8 Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

9 8. The Court approves the procedure for Settlement Class Members to object to the  
10 Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

11 9. The Court directs the mailing of the Notice of Class Action Settlement and related  
12 documents to members of the Class by first class mail in accordance with the Agreement and the  
13 implementation schedule set forth below. The Court finds that the dates selected for the mailing  
14 and distribution of the notice, as set forth in the following implementation schedule, meet the  
15 requirements of due process and provide the best notice practicable under the circumstances and  
16 shall constitute due and sufficient notice to all persons entitled thereto.

17 10. It is ordered that the Class is preliminarily certified for settlement purposes only.

18 11. The Court confirms Eric B. Kingsley and Kelsey M. Szamet of Kingsley &  
19 Kingsley, APC as Class Counsel.

20 12. The Court confirms INGRID HANSEN-SCHOOLDERMAN as Class  
21 Representative.

22 13. The Court approves Xpand Legal as the Administrator.

23 14. The Court orders that pursuant to the California Private Attorneys General Act,  
24 Labor Code §§ 2698, et seq. ("PAGA"), statutory notice of this Agreement has been and will  
25 continue to be given to the Labor & Workforce Development Agency.

26 15. A final fairness hearing on the question of whether the proposed Agreement,  
27 attorneys' fees and costs to Class Counsel, the PAGA payment, and the claims administration costs  
28 should be finally approved as fair, adequate, and reasonable as to the members of the Class is  
scheduled for \_\_\_\_\_ at \_\_\_\_\_ (Pacific Time), in Department .

1           16.     The Court orders the following Implementation Schedule for further proceedings:

3     a.	Preliminary Approval Granted	
4     b.	Deadline for Defendant to Provide Settlement Class Members' Information to Administrator	15 calendar days from Entry of Preliminary Approval
5     c.	Administrator Shall Mail Notice to Settlement Class Members	14 calendar days from receipt of the Class List from Defendant
6     d.	Deadline for Postmark of Any Request for Exclusion	60 Days from Mailing of Notices
7     e.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
8     f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	To be determined by the Court
9     g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	To be determined by the Court
10    h.	Final Approval Hearing	

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18           17.     IT IS FURTHER ORDERED that if the Court does not execute and file an Order  
19 of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the  
20 "Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the  
21 subject of this Order shall become null, void, unenforceable and inadmissible in any judicial,  
22 administrative or arbitral proceeding for any purpose, and all evidence, court orders and  
23 proceedings had in connection therewith, shall be without prejudice to the status quo ante rights  
24 of the Parties to the litigation, as more specifically set forth in the ("Agreement.

25           18.     IT IS FURTHER ORDERED that, pending further Order of this Court, all  
26 proceedings in this matter except those contemplated herein and in the Agreement are hereby  
27 stayed.

28           19.     The Court expressly reserves the right to adjourn or continue the Final Fairness

1 Hearing from time to time without further notice to members of the Class.

2

3 **DATED:** \_\_\_\_\_

\_\_\_\_\_  
**JUDGE OF THE SUPERIOR COURT**

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