

1 (Counsel of record on next page)

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEBRA BROWN, SANDRA MORTON,  
and BARBARA LABUSZEWSKI,  
individually and on behalf of all other  
similarly situated individuals,

Plaintiffs,

v.

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

Defendant.

No. 3:16-CV-05272-VC

**CLASS ACTION**

**~~PROPOSED~~ ORDER GRANTING FINAL  
APPROVAL OF CLASS ACTION SETTLEMENT  
AS MODIFIED**

Date: October 5, 2017  
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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17 Attorneys for Defendant  
18 The Permanente Medical Group, Inc.

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1 On October 5, 2017, a hearing was held on the joint motion of plaintiffs Debra Brown, Sandra  
2 Morton and Barbara Labuszewski and defendant The Permanente Medical Group, Inc. (“TPMG”), for  
3 final approval of their class settlement (the “Settlement”) and payment to the Settlement Administrator.  
4 Kevin J. Stoops and Jason L. Thompson of Sommers Schwartz, P.C., and Jahan C. Sagafi of Outten &  
5 Golden LLP appeared for plaintiffs; and Jeffrey D. Wohl and Caitlin M. Wang of Paul Hastings LLP  
6 appeared for TPMG.

7 The parties have submitted their Settlement, which this Court preliminarily approved by its order  
8 entered on June 9, 2017. In accordance with the Preliminary Approval Order, Class Members have been  
9 given notice of the terms of the Settlement and the opportunity to object to it or to exclude themselves  
10 from its provisions.

11 Having received and considered the Settlement, the supporting papers filed by the parties, and  
12 the evidence and argument received by the Court at the hearing before it entered the Preliminary  
13 Approval Order and at the final approval hearing on October 5, 2017, the Court grants final approval of  
14 the Settlement, and HEREBY ORDERS and MAKES DETERMINATIONS as follows:

15 1. Pursuant to the Preliminary Approval Order, a Notice of Proposed Settlement,  
16 Conditional Certification of Settlement Class, Preliminary Approval of Settlement, and Hearing Date for  
17 Final Court Approval; a Class Member Settlement Information Sheet; and an Election Not to Participate  
18 in Settlement were sent to each Class Member by first-class mail. These papers informed Class  
19 Members of the terms of the Settlement, their right to receive a Settlement Share, their right to object to  
20 the Settlement or to elect not to participate in the Settlement and pursue their own remedies, and their  
21 right to appear in person or by counsel at the final approval hearing and be heard regarding approval of  
22 the Settlement. Adequate periods of time were provided by each of these procedures. No Class  
23 Members filed written objections to the proposed Settlement as part of this notice period or stated an  
24 intention to appear at the final approval hearing. The Court finds and determines that this notice  
25 procedure afforded adequate protections to Class Members and provides the basis for the Court to make  
26 an informed decision regarding approval of the Settlement based on the responses of Class Members.  
27 The Court finds and determines that the notice provided in this case was the best notice practicable,  
28 which satisfied the requirements of law and due process.

1           2.       In addition to the notice to the Class, pursuant to the Class Action Fairness Act of 2005,  
2 28 U.S.C. § 1715 (“CAFA”), the Attorney General of the United States and the appropriate state official  
3 in each state in which a Class Member resides have been given notice of the Settlement. Pursuant to  
4 CAFA, not later than 10 days after the motion seeking preliminary approval of the Settlement was filed  
5 with the Court, TPMG served upon the appropriate state official of each state in which a Class Member  
6 resides and the appropriate federal official a notice of the Settlement consisting of: copies of the  
7 complaint in this action; a notice of the scheduled judicial hearings in this class action; copies of the  
8 Settlement Agreement, proposed notices of class action settlement and Class Members’ right to request  
9 exclusion from the class; and the names of Class Members who reside in each state and the estimated  
10 proportionate share of the claims of Class Members in each state to the entire Settlement. The notice of  
11 Settlement also invited comment on the Settlement. The Court finds and determines that TPMG’s notice  
12 of the Settlement was timely, adequate, and compliant with the statutory requirements of CAFA.  
13 Accordingly, 28 U.S.C. section 1715(e) has no application to the Settlement.

14           3.       In addition to the notice to the Class and notice provided under CAFA, pursuant to the  
15 Labor Code Private Attorneys General Act (“PAGA”), Cal. Lab. Code §§ 2699(1)(2), (1)(4), the Labor  
16 Workforce and Development Agency (“LWDA”) has been given notice of the Settlement. Pursuant to  
17 PAGA, on the date the parties filed the motion seeking preliminary approval of the Settlement with the  
18 Court, TPMG submitted to the LWDA a notice of the Settlement enclosing a copy of the parties’  
19 Settlement Agreement. The Court finds and determines that TPMG’s notice of the Settlement complied  
20 with the statutory requirements of PAGA.

21           4.       For the reasons stated in the Preliminary Approval Order, the Court finds and determines  
22 that the proposed Class, as defined in the definitions section of the Settlement and conditionally certified  
23 by the Preliminary Approval Order, meets all of the legal requirements for class certification, and it is  
24 hereby ordered that the Class is finally approved and certified as a class for purposes of the Settlement.

25           5.       The Court further finds and determines that the terms of the Settlement are fair,  
26 reasonable and adequate to the Class and to each Class Member and that the Class Members who did not  
27 timely submit valid elections not to participate in the Settlement in accordance with the Settlement  
28 Agreement and the Preliminary Approval Order will be bound by the Settlement, that the Settlement is

1 ordered finally approved, and that all terms and provisions of the Settlement should be and hereby are  
2 ordered to be consummated.

3 6. The Court finds and determines that the Settlement Shares to be paid to the Class  
4 Members who did not timely submit valid elections not to participate, as provided for by the Settlement,  
5 are fair and reasonable. The Court hereby gives final approval to and orders the payment of those  
6 amounts be made to the Class Members who did not timely submit valid elections not to participate out  
7 of the Net Settlement Amount in accordance with the Settlement.

8 7. The Court finds and determines that the payment to the California Labor and Workforce  
9 Development Agency under the Settlement, in the amount of \$75,000, is fair and reasonable. The Court  
10 hereby gives final approval to and orders that amount be paid out of the Total Settlement Amount in  
11 accordance with the Settlement.

12 8. The Court finds and determines that the fees and expenses in administrating the  
13 Settlement, in the amount of \$26,600, are fair and reasonable. The Court hereby gives final approval to  
14 and orders that amount be paid out of the Total Settlement Amount in accordance with the Settlement.

15 9. The Court determines by separate order the request by plaintiffs and Class Counsel to the  
16 Class Representative Payments and the Class Counsel Fees and Expenses Payment.

17 10. Without affecting the finality of this order in any way, the Court retains jurisdiction of all  
18 matters relating to the interpretation, administration, implementation, effectuation and enforcement of  
19 this order and the Settlement.

20 11. Nothing in this order will preclude any action to enforce the parties' obligations under the  
21 Settlement or under this order, including the requirement that TPMG make payments to the Class  
22 Members in accordance with the Settlement.

23 12. Upon completion of administration of the Settlement, the Settlement Administrator will  
24 provide written certification of such completion to the Court and counsel for the parties.

25 13. Pursuant to the Settlement, plaintiffs and all Class Members who did not timely submit  
26 valid elections not to participate are permanently barred from prosecuting against TPMG, and its  
27 parents, predecessors, successors, subsidiaries, affiliates, joint ventures, and trusts, and all of its  
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1 employees, officers, agents, attorneys, stockholders, fiduciaries, other service providers, and related  
2 persons and entities, and assigns, any of the claims released by them under the Settlement.

3 14. The parties are hereby ordered to comply with the terms of the Settlement.

4 15. The Court hereby enters final judgment in accordance with the terms of the Settlement  
5 Agreement, the Order Granting Preliminary Approval of Class Action Settlement filed on June 9, 2017,  
6 and this order.

7 The Parties will bear their own costs and attorneys' fees except as otherwise provided by the  
8 Court's order granting the Class Counsel Fees and Expenses Payment.

9 IT IS SO ORDERED.

10 Dated: October 11, 2017.



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Hon. Vince Chhabria  
United States District Judge

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