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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES**

16 VENUS MOORE, DEANNA WINTON,
17 THOMAS HALL, ROBERT LEFORT,
18 JOSEPH BENNETT, JOSHUA
19 CHIAROMONTE, SHAN SHAW, SHANE
20 POTTER, AND JOSEPH BADIALI on behalf
21 of themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 CALIFORNIA DEPARTMENT OF STATE
23 HOSPITALS, a California state agency, and
24 DOES 1 THROUGH 25,

24 Defendant.

Case No. 19STCV16858

ASSIGNED FOR ALL PURPOSES TO:
HON. JUDGE ELIHU M. BERLE
DEPARTMENT 6

**[PROPOSED] ORDER OF FINAL
APPROVAL AND JUDGMENT**

Date: November 5, 2021

Time: 9:00 a.m.

FILED
Superior Court of California
County of Los Angeles

12/14/2021

Sherri R. Carter, Executive Officer / Clerk of Court

By: M. Fregoso Deputy

Electronically Received 11/19/2021 10:06 AM

1 This matter came before this Court on November 5, 2021 at 9:00 a.m. for a hearing on
2 Plaintiffs' Motions for (1) Final Judgment and Order Approving Class Settlement; and for (2)
3 Approval of Attorneys' Fees and Costs, and Class Representatives' Service Awards. Due and
4 adequate notice having been given to Settlement Class Members as required by the Court's
5 March 30, 2021 Preliminary Approval Order, and the Court having considered all papers filed
6 and proceedings in this action, it is hereby ORDERED AS FOLLOWS:

- 7 1. This Order and Judgment hereby incorporates by reference the definitions in the Class
8 Action Settlement Agreement Between Plaintiffs and Defendant ("Settlement
9 Agreement") as though fully set forth herein, and all terms used herein shall have the
10 same meaning as set forth in the Settlement Agreement.
- 11 2. This Court has jurisdiction over the claims of the members of the Settlement Class
12 Members asserted in this proceeding and jurisdiction over the Plaintiffs and
13 Defendant, as defined in the Settlement Agreement.
- 14 3. This Court previously conditionally certified the Settlement Class for settlement
15 purposes. The Court hereby grants final certification approval for settlement purposes
16 to the Settlement Class, as an opt-out class, defined as:
17 All past and present civil detainees, including but not limited to Mentally
18 Disordered Offenders ("MDOs" now referred to as "OMDs"), Sexually
19 Violent Predators ("SVP"), those Not Guilty by Reason of Insanity ("NGRI"),
20 those held pursuant to the Lanterman-Petris-Short Act ("LPSA"), and those
21 Incompetent to Stand Trial ("IST") who worked at any of the Hospitals
22 managed by the DSH, in the DSH's vocational program or sheltered
23 workshops, during the Settlement Period and were paid a rate less than the
24 applicable California minimum wage.
- 25 4. Notice given to the class fully and accurately informed Settlement Class Members of
26 all material elements of the proposed settlement and of their opportunity to exclude
27 themselves from, object to, or comment on the settlement, and to appear at the Final
28 Approval hearing. The notice was reasonable and the best notice practicable under the

1 circumstances. Accordingly, this Court finds that the notice program described in the
2 Settlement Agreement and completed by the Administrator complied fully with the
3 requirements of due process, Rule 3.766 of the California Rules of Court, and all
4 other applicable laws.

- 5 5. All Settlement Class Members who did not submit timely Requests for Exclusion are
6 bound by this Final Approval Order and Judgment and by the terms of the Parties'
7 Settlement Agreement, including releases provided for in the Settlement Agreement
8 and this Final Approval Order and Judgment. As of the effective date of Settlement,
9 by operation of the entry of this Final Approval Order and Judgment, each
10 Participating Class Member, including Plaintiffs, shall be deemed to have fully
11 released, waived, relinquished and discharged, to the fullest extent permitted by law,
12 all Released Claims that he or she may have against the Released Parties. Settlement
13 Class Members who did not timely submit Requests for Exclusion, are enjoined from
14 prosecuting the Released Claims, and are enjoined from initiating or continuing other
15 proceedings regarding the Released Claims, as provided in the Settlement Agreement.
- 16 6. Settlement Class Members were given a full opportunity to participate in the Final
17 Approval hearing, and all Settlement Class Members and other persons wishing to be
18 heard have been heard. Accordingly, the Court determines that all Settlement Class
19 Members who did not timely and properly opt out of the settlement are bound by this
20 Order and Judgment.
- 21 7. Based on the Atticus Administration, LLC, the Court finds that the following
22 individuals submitted a valid and timely Request for Exclusion pursuant to the terms
23 of the Settlement Agreement, such that they shall not be considered members of the
24 Settlement Class; shall not release their claims against Released Parties as set forth in
25 the Settlement Agreement, and shall not receive a Settlement Share payment:
- 26 a. Barbara Loera
 - 27 b. Sotero Monteon
 - 28 c. Michael Pagaling

1 d. Mark Maynarich

- 2 8. Eight Settlement Class Members submitted timely objections to the Settlement: Bill
3 Brady, Jr., Wilfred Brown, Robert James Dixon, Dequan Hooker, Gary Lee Mulikin,
4 Sione Otuafi, Kelly Sundberg, and James Whitaker. The Court hereby overrules all
5 objections to the Settlement.
- 6 9. The Court has considered all relevant factors for determining the fairness of the
7 Settlement and has concluded that all such factors weigh in favor of granting final
8 approval. In particular, the Court finds that the Settlement was reached following
9 meaningful discovery and investigation conducted by Plaintiffs' counsel; that the
10 Settlement is the result of serious, informed, adversarial and arm's-length
11 negotiations between the Parties; and that the terms of the Settlement are in all
12 respects fair, adequate, and reasonable. The Court hereby approves the Settlement and
13 directs the Parties to effectuate the Settlement according to its terms and this Order.
14 Upon entry of this Order, compensation to Participating Class Members and shall be
15 paid pursuant to the terms of the Settlement Agreement.
- 16 10. The Court confirms Rukin Hyland & Riggin LLP and Rosen Bien Galvan & Grunfeld
17 LLP as Class Counsel in this action. The Court approves payment to Class Counsel of
18 attorneys' fees in the amount of \$660,000.00 because Class Counsel's request falls
19 within the range of reasonableness and the result achieved justifies the requested
20 attorneys' fees. Five percent of the fee award (or \$33,000) shall be held in an interest-
21 bearing account, maintained by the Administrator or by Class Counsel, pending the
22 submission and approval of a final compliance status report after completion of the
23 distribution process. The Court further finds that Class Counsel's 2021 hourly rates
24 are reasonable and commensurate with the prevailing rates for class actions.
- 25 11. The Court approves Class Counsel's request for reimbursement of litigation costs in
26 the amount of \$40,940.14.
- 27 12. In recognition of Plaintiffs' efforts on behalf of the Settlement Class as described in
28 their declarations and the declarations of Class Counsel, the Court approves payment

1 of a Service Award in the amount of \$5,000 to each Named Plaintiff as set forth in
2 the Settlement Agreement, for a total of \$45,000.

3 13. The Court approves payment to the Settlement Administrator in the amount of
4 \$18,995.00.

5 14. The Court approves payment to Aaron Fischer, Esq. for his services as guardian ad
6 litem in the amount of \$2,920.00.

7 15. The Court hereby enters judgment pursuant to California Rule of Court 3.769(h).
8 Plaintiffs and Settlement Class Members shall take nothing from Defendant except as
9 set forth in the Settlement Agreement and this Final Approval Order and Judgment.

10 16. Without affecting the finality of this Order and Judgment, the Court shall retain
11 continuing jurisdiction over this action and the parties under California Rule of Court
12 3.769(h), including all Settlement Class Members and over all matters pertaining to
13 the implementation of the terms of the Settlement Agreement. Except as provided to
14 the contrary herein, any disputes or controversies arising with respect to the
15 interpretation, enforcement or implementation of the Settlement Agreement shall be
16 presented by motion to the Court for resolution.

17 17. A compliance hearing will be set for August 17, 2022 at 8:30 a.m. to determine
18 whether the Settlement payments have been distributed to Participating Class
19 Members. A compliance status report must be filed (with a courtesy copy delivered
20 directly to the Court) by August 8, including a declaration from the Settlement
21 Administrator.

22
23 **IT IS SO ORDERED.**

24 **JUDGMENT IS HEREBY ENTERED**

25
26 Dated: 12/14/2021



Elihu M. Berle

Honorable Elihu M. Berle
Elihu M. Berle / Judge