



Superior Court of California, County of Sonoma

MINUTE ORDERS

SCV-268610

CHETTERO VS AURORA BEHAVIORAL HEALTHCARE-SANTA ROSA, LLC

Date of Hearing: January 24, 2025

Motion

Time: 3:00 PM

Courtroom 16

Judicial Officer: Patrick Broderick
Court Reporter: None

Courtroom Clerk: Johnny Sengmany

Parties Present:

There are no appearances.

Hearing:

The Court finds notice to appear has been issued and served by mail.
The Court's previously published tentative ruling: No appearance required.

There being no opposition to its tentative ruling, the Court ADOPTS its previously announced tentative ruling and ORDERS:

Plaintiff Nicole Chettero (Plaintiff) moves for preliminary approval of the proposed class action settlement, approving the form and manner of class notice, appointing the settlement administrator, and setting a hearing for final approval. The motion is GRANTED. The final fairness hearing is hereby set for May 30, 2025, at 3:00 p.m., in Department 16.

For reference purposes, the Court's previously published tentative ruling so follows:

Plaintiff Nicole Chettero (Plaintiff) moves for preliminary approval of the proposed class action settlement, approving the form and manner of class notice, appointing the settlement administrator, and setting a hearing for final approval. The motion is GRANTED. The final fairness hearing is hereby set for May 30, 2025, at 3:00 p.m., in Department 16.

Plaintiff commenced this action on June 14, 2021,¹ by filing a complaint against Defendants Aurora Behavioral Healthcare-Santa Rosa, LLC, dba Aurora Santa Rosa Hospital and Signature Healthcare Services, LLC, and DOES 1 through 20, inclusive, alleging causes of action for failure to provide proper meal and rest periods, failure to timely pay all wages owed at termination, failure to provide accurate wage statements, and unfair business practices. (Declaration of Xinying Valerian [hereafter Valerian Dec.], 3.) The complaint also sought civil penalties pursuant to PAGA. (Ibid.) On March 29, 2023, Plaintiff substituted eleven named defendants for DOES 1 to 11. (Valerian Decl., 3.)

This court certified a class on December 7, 2023, consisting of [a]ll former and current registered nurses (RNs), licensed vocational nurses and psychiatric technicians (LVNs or LPTs), and mental health workers and technicians (MHWs or MHTs) who worked at least one shift in the Nursing Department at Aurora Santa Rosa Hospital (also known as Santa Rosa Behavioral Healthcare Hospital) from July 21, 2016, through the date of class notice. (Id., 11.) Notice was sent to 857 individuals on January 19, 2024. (Ibid.) Three

individuals opted out of the class. (Ibid.)

The parties attempted mediation twice before reaching a settlement. The proposed settlement establishes a common fund of \$6,250,000. (SA, 3.1.) Plaintiff proposes the fund be allocated as follows: \$100,000 in civil penalties pursuant to PAGA, attorneys' fees up to \$2,083,333.33 (one-third of the fund), class counsel expenses up to \$200,000, a class representative award up to \$30,000, and administration costs up to \$17,000. (SA, 3.6.) The remaining \$3,819,667 will be distributed to the class members without a claim form in proportion to the number of weeks worked. (SA, 3.6(e).) Plaintiff estimates that class members will receive an average of approximately \$4,300, with a maximum distribution of \$26,000. (Valerian Decl., 19.)

The settlement identifies Simpluris as the settlement administrator. (SA, 7.1.) The proposed notices are based on templates developed by the Impact Fund's Class Notice Project. (Valerian Decl., 22.) The mailed and emailed notice includes the workweek data upon which the class members' settlement allocation will be based and directs the recipient to the settlement website with a link and scannable QR code for the recipient to obtain more information about the settlement. (SA, Ex. A.) The notice also advises class members that they can object to the settlement or contest the number of workweeks reported in Defendants' data and tells class members how to do so. (Ibid.) The notice also advises class members that they can opt for electronic payment. (Ibid.) A long form notice to be posted on the settlement website will contain detailed information in a question-and-answer format. (SA, Ex. B.)

A presumption of fairness exists where a settlement is reached through arm's-length negotiation that was adequately informed and where there is no evidence of fraud or collusion. Discovery efforts allowed counsel to be well-informed. Plaintiff's expert prepared a detailed damages model. (Valerian decl., 8.) Key evidence for estimating damages included wage rates, employment dates, and punch data. (Ibid.) Where there were gaps in the employment data, reasonable assumptions were made. (Ibid.) Plaintiff's counsel's estimate for Defendants' liability was approximately \$13.56 million without PAGA, and \$17.5 million with PAGA. (Ibid.) Out of the non-PAGA liability, \$4.74 million came from derivative waiting time penalties and wage statement statutory penalties, while \$8.82 million came from meal and rest break wages and interest. (Ibid.)

Based upon the foregoing, the proposed settlement is GRANTED. Simpluris is appointed settlement administrator. The notice plan as set forth in the settlement agreement is approved.

The final fairness hearing is hereby set for May 30, 2025, at 3:00 p.m., in Department 16. The court will sign the proposed order.

Hearing Events/Documents Filed:

- Court announces tentative decision
- The Court adopts its previously published tentative ruling

-End of Minute Order-

Next Hearing(s) - Information current as of January 27, 2025:

May 30, 2025 3:00 PM Motion
Courtroom 16
Hon. Broderick, Patrick

For more information please contact the Clerk's Office at (707) 521-6500 during official business hours.
www.sonoma.courts.ca.gov

PROOF OF SERVICE BY MAIL

I certify that I am an employee of the Superior Court of California, County of Sonoma, and that my business address is 600 Administration Drive, Santa Rosa, CA 95403; that I am not a party to this cause; that I am over the age of 18 years; that I am readily familiar with this office's practice for collection and processing of correspondence for mailing with the United States Postal Service; and that on the date shown below I placed a true copy of the following document:

MINUTE ORDERS dated January 24, 2025

in an envelope, sealed and addressed as shown below, for collection and mailing at Santa Rosa, California, first class, postage fully prepaid, following ordinary business practices.

Date: January 27, 2025

Robert Oliver,
Clerk of the Court

By: Johnny Sengmany
Johnny Sengmany, Deputy Clerk

-ADDRESSEES-

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