

FILED
Clerk of the Superior Court

JUL 31 2025

By: V. Contreras, Deputy

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN DIEGO**

10 JESSICA MARTINEZ, individually, and on
11 behalf of all others similarly situated,

12 *Plaintiff,*

13 v.

14 CORTICARE, INC., a California corporation;
and DOES 1 through 10, inclusive,

15 *Defendants.*

Case No.: 37-2023-00055906-CU-OE-CTL

CLASS ACTION

[Assigned to: Hon. Gregory W. Pollack, Dept.
C-71]

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

PRELIMINARY APPROVAL HEARING

Date: July 31, 2025

Time: 9:30 a.m.

Dept: C-71

Complaint filed: December 27, 2023

Trial date: Not set

1 The Court has before it Plaintiff Jessica Martinez’s (“Plaintiff”) Motion for Preliminary
2 Approval of Class Action Settlement. Having reviewed the Motion for Preliminary Approval
3 of Class Action Settlement, the Declarations of Arrash T. Fattahi and Plaintiff, the Class Action
4 and PAGA Settlement Agreement (which is referred to here as the “Settlement Agreement”),
5 and good cause appearing, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
7 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
8 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
9 the terms set forth in the Settlement Agreement between Plaintiff and Defendant CortiCare, Inc.
10 (“Defendant” or “CortiCare,” and together with Plaintiff, the “Parties”), attached to the
11 Declaration of Arrash T. Fattahi in Support of Plaintiff’s Motion for Preliminary Approval of
12 Class Action Settlement as Exhibit 2.

13 2. The Settlement falls within the range of reasonableness of a settlement which
14 could ultimately be given final approval by this Court, and appears to be presumptively valid,
15 subject only to any objections that may be raised at the Final Approval Hearing and final
16 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
17 \$230,000.00 to cover (a) settlement payments to class members who do not validly opt out; (b)
18 a \$10,000.00 payment to the State of California, Labor & Workforce Development Agency
19 (“LWDA”) for its share of the settlement of claims for alleged penalties under the Private
20 Attorneys General Act (“PAGA”), with 75% of which (\$7,500.00) being paid to the LWDA and
21 25% (\$2,500.00) being paid to eligible Aggrieved Employees; (c) Class Representative service
22 payment of up to \$10,000.00 for Plaintiff; (d) Class Counsel’s attorneys’ fees, not to exceed 1/3
23 of the Gross Settlement Amount (currently estimated at \$76,666.66), and up to \$25,000.00 in
24 costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement
25 Administration Costs of up to \$5,000.00.

26 3. The Court preliminarily finds that the terms of the Settlement appear to be within
27 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
28 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair

1 and reasonable to the alleged class members when balanced against the probable outcome of
2 further litigation relating to class certification, liability and damages issues, and potential
3 appeals; (2) significant informal discovery, investigation, research, and litigation have been
4 conducted such that counsel for the Parties at this time are able to reasonably evaluate their
5 respective positions; (3) settlement at this time will avoid substantial costs, delay, and risks that
6 would be presented by the further prosecution of the litigation; and (4) the proposed settlement
7 has been reached as the result of intensive, serious, and non-collusive negotiations between the
8 Parties with the assistance of a well-respected class action mediator. Accordingly, the Court
9 preliminarily finds that the Settlement Agreement was entered into in good faith.

10 4. A final fairness hearing on the question of whether the proposed settlement,
11 attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement
12 of claims for penalties under the PAGA, and the class representative enhancement award should
13 be finally approved as fair, reasonable and adequate as to the members of the alleged class is
14 hereby set in accordance with the Implementation Schedule set forth below.

15 5. The Court provisionally certifies for settlement purposes only the following class
16 (the "Settlement Class"): "all persons employed by CortiCare in California and classified as
17 non-exempt who worked for CortiCare during the Class Period."

18 6. "Class Period" means the period from July 2, 2019 to October 3, 2024.

19 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
20 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
21 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
22 of law and fact that are common, or of general interest, to all Settlement Class Members, which
23 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
24 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
25 the interests of the Settlement Class Members; and (5) a class action is superior to other
26 available methods for the fair and efficient adjudication of the controversy.

27 8. The Court appoints as Class Representative, for settlement purposes only,
28 Plaintiff Jessica Martinez. The Court further preliminarily approves Plaintiff's ability to request

1 an incentive award up to \$10,000.00.

2 9. The Court appoints, for settlement purposes only, Arrash T. Fattahi and Arman
3 A. Salehi of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily
4 approves Class Counsel's ability to request attorneys' fees of up to one-third of the Gross
5 Settlement Amount (currently estimated at \$76,666.66), and costs not to exceed \$25,000.00.

6 10. The Court appoints Apex Class Action Administrators as the Settlement
7 Administrator with reasonable administration costs estimated not to exceed \$5,000.00.

8 11. The Court approves, as to form and content the Class Notice, attached to the
9 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the
10 Notice to Settlement Class Members satisfies due process, provides the best notice practicable
11 under the circumstances, and shall constitute due and sufficient notice to all persons entitled
12 thereto.

13 12. The Parties are ordered to carry out the Settlement according to the terms of the
14 Settlement Agreement.

15 13. Plaintiff is permitted to file a First Amended Class & Representative Action
16 Complaint, attached to the Declaration of Arrash T. Fattahi in Support of Plaintiff's Motion for
17 Preliminary Approval of Class Action Settlement as Exhibit 1.

18 14. Any class member who does not timely and validly request exclusion from the
19 settlement may object to the Settlement Agreement.

20 15. The Court orders the following Implementation Schedule:

21 Defendant to provide Class List to the 22 Settlement Administrator	14 days after notice of entry of the Court's order granting Motion for Preliminary 23 Approval
24 Settlement Administrator to mail the Notice 25 Packets	14 days after receipt of the Class List from Defendant
26 Response Deadline	30 days after Notice is mailed out by the 27 Settlement Administrator

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Deadline to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Service Award to Plaintiff	16 court days before hearing on Motion for Final Approval, which is 
Final Approval Hearing	<u>11/21/25</u> at <u>9:30</u> a.m./p.m., or first available date thereafter, in Department C-71. The hearing may be continued to another date without further notice to the Class Members.

16. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.

DATE:

 7/31/25

Hon. Gregory W. Pollack
Judge of the San Diego Superior Court