



PLAINTIFF/PETITIONER: KEVIN TOBIN, et al. DEFENDANT/RESPONDENT: ADVENTIST HEALTH SYSTEM/WEST	CASE NUMBER: S-CV-0049484
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**PROOF OF SERVICE BY FIRST-CLASS MAIL  
 NOTICE OF ENTRY OF JUDGMENT OR ORDER**

**(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)**

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify)*:

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and *(check one)*:

- a.  deposited the sealed envelope with the United States Postal Service.
- b.  placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on *(date)*:
- b. from *(city and state)*:

4. The envelope was addressed and mailed as follows:

a. Name of person served:

Street address:  
 City:  
 State and zip code:

b. Name of person served:

Street address:  
 City:  
 State and zip code:

c. Name of person served:

Street address:  
 City:  
 State and zip code:

d. Name of person served:

Street address:  
 City:  
 State and zip code:

Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*

5. Number of pages attached \_\_\_\_\_.

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

Date: \_\_\_\_\_

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

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

1 **PROOF OF SERVICE, COUNTY OF ORANGE**

2 I am a resident of the State of California, County of Orange. I am over the age of eighteen  
3 years and not a party to the within action. My business address is 9880 Research Drive.,  
4 Suite 200, Irvine, California 92618.

5 On November 27, 2024, I served on the interested parties in this action the following  
6 document(s) entitled:

7 **NOTICE OF ENTRY OF JUDGMENT OR ORDERE**

8 [XX] BY ELECTRONIC SERVICE: Based on a court Order or an agreement by the parties to  
9 accept service by e-mail or electronic transmission, I caused the document(s) to be sent from the  
10 email address Alma@jameshawkinsapl.com to the persons at the e-mail addresses listed in the  
11 Service List below. I did not receive, within a reasonable time after the transmission, any  
12 electronic message or other indication that the transmission was unsuccessful.

13 **SERVICE LIST**

14 SEYFARTH SHAW LLP Kerry Friedrichs (SBN 198143) <a href="mailto:kfriedrichs@seyfarth.com">kfriedrichs@seyfarth.com</a> 15 Bailey Bifoss (SBN 278392) bbifoss@seyfarth.com 16 560 Mission Street, 31st Floor 17 San Francisco, California 94105 Telephone: (415) 397-2823 18 Facsimile: (415) 397-8549 <a href="mailto:KTruesdale@seyfarth.com">KTruesdale@seyfarth.com</a> 19 Mmcarthur@seyfarth.com	SEYFARTH SHAW LLP Daniel Whang (SBN 223451) dwhang@seyfarth.com 2029 Century Park East, Suite 3500 Los Angeles, California 90067-3021 Telephone: (310) 277-7200 Facsimile: (310) 201-5219 <a href="mailto:pkim@seyfarth.com">pkim@seyfarth.com</a> Attorneys for Defendant ADVENTIST HEALTH SYSTEM/WEST
21 Roman Otkupman, CSBN 249423 Roman@OLFLA.com 22 Nidah Farishta, CSBN 312360 Nidah@OLFLA.com 23 OTKUPMAN LAW FIRM, A LAW CORPORATION 24 5743 Corsa Ave., Suite 123, 25 Westlake Village, CA 91362 Telephone: (818) 293-5623 26 Facsimile: (888) 850-1310 Attorneys for Plaintiffs 27 KEVIN TOBIN and ROSA FALDON	<b><u>Via LWDA Website Only</u></b> Labor and Workforce Development Agency Attn: PAGA Administrator 1515 Clay Street, Ste 801 Oakland, CA 94612 <a href="http://www.dir.ca.gov/Private-Attorneys-General-Act">http://www.dir.ca.gov/Private-Attorneys- General-Act</a>

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[ XX] STATE: I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

Executed on November 27, 2024, at Irvine, California

*Alma Chavarin*  
Alma Chavarin

Electronically Submitted on 11/19/2024 10:38 AM

1 **JAMES HAWKINS APLC**  
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11 **OTKUPMAN LAW FIRM, A LAW CORPORATION**  
5743 Corsa Ave., Suite 123,  
12 Westlake Village, CA 91362  
Telephone: (818) 293-5623  
13 Facsimile: (888) 850-1310

14 Attorneys for Plaintiffs,  
15 KEVIN TOBIN and ROSA FALDON, on behalf of the general public as private attorney general.

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **COUNTY OF PLACER**

19 KEVIN TOBIN and ROSA FALDON,  
20 on behalf of the general public as private  
attorney general,

21 Plaintiffs,

22 v.

23 ADVENTIST HEALTH SYSTEM/WEST,  
24 a California Corporation; and DOES 1-50,  
25 inclusive,

26 Defendants.

Case No.: S-CV-0049484

**~~PROPOSED~~ ORDER AND  
JUDGMENT APPROVING  
SETTLEMENT OF PRIVATE  
ATTORNEYS GENERAL ACT  
CLAIMS**

**Filed - 11/26/2024**

Electronically filed by Superior Court of California  
County of Placer on 11/26/2024  
Jake Chatters, Clerk of the Court  
By B. Baldock Deputy Clerk

1 **[PROPOSED] ORDER AND JUDGMENT APPROVING SETTLEMENT OF PRIVATE**  
2 **ATTORNEYS GENERAL ACT CLAIMS**

3 WHEREAS, the action pending before this Court is an alleged representative action under  
4 the Private Attorneys General Act of 2004; and

5 WHEREAS, the Court has considered the Parties' PAGA Settlement Agreement and the  
6 documents and evidence in support thereof;

7 The Court understands that the Settlement Agreement sets forth the terms and conditions  
8 for a proposed settlement and entry of judgment. Based on a review of the submissions by the  
9 Parties, and good cause appearing;

10 NOW, THEREFORE, IT IS HEREBY ORDERED:

11 1. All terms used in the Settlement Agreement shall have the same meaning as  
12 defined therein.

13 2. The terms of the Settlement Agreement are fair, adequate, and reasonable, and  
14 therefore, are approved by the Court. The Parties to this Action are directed to perform in  
15 accordance with the terms set forth in the Settlement Agreement.

16 3. The Court finds that Plaintiffs have satisfied the prerequisites under California  
17 Labor Code section 2699.3, including and not limited to providing the Labor and Workforce  
18 Development Agency ("LWDA") and Defendant notice of the specific provisions of the Labor  
19 Code alleged to have been violated, including and not limited to the facts and theories to support  
20 the alleged violations.

21 4. The "Aggrieved Employees" covered under the Settlement consist of the following  
22 individuals: All current and former non-exempt or hourly paid employees of Defendant who have  
23 worked in a Revenue Cycle or IT Department, as those terms are defined in the Settlement  
24 Agreement, in the State of California between October 19, 2019 and the date of this Order or  
25 October 15, 2024, whichever is earlier.

26 5. Defendant shall fund the Gross Settlement Amount of \$1,865,000.00 with the  
27 Settlement Administrator no later than forty-five (45) days after the Effective Date. The Gross  
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1 Settlement Amount shall not increase, except as provided in the escalator provision in paragraph  
2 4.1 of the Settlement Agreement.

3 6. Compensation to the LWDA and the Aggrieved Employees shall be effected  
4 pursuant to the terms of the Settlement Agreement.

5 7. The Court hereby approves of the payment of attorneys' fees to Plaintiffs' Counsel  
6 in the sum of \$620,400.00 and costs in the sum of \$22,343.58 to be effected in the manner set  
7 forth in the Settlement Agreement.

8 8. The Court hereby approves payment in the amount of \$27,576.15 to APEX Class  
9 Action Administration ("APEX"), for performance of its settlement administration services,  
10 pursuant to the not-to-exceed bid provided by APEX and attached as Exhibit 6 to the Declaration  
11 of Roman Otkupman filed concurrently herewith.

12 9. The Court finds that PAGA does not require that notice of the Settlement be  
13 provided to the Aggrieved Employees. Nevertheless, the Settlement Administrator is ordered to  
14 distribute payments to Aggrieved Employees concurrently with the Notice of Settlement to  
15 Aggrieved Employees as agreed upon by the Parties and included as Exhibit C to the Settlement  
16 Agreement. The Court has reviewed and approves the Notice of Settlement to Aggrieved  
17 Employees for distribution to the Aggrieved Employees at the same time that payments are  
18 distributed to Aggrieved Employees.

19 10. No later than thirty (30) calendar days after the Effective Date, Defendant shall  
20 provide the Administrator with a list containing the Aggrieved Employees' full names, last  
21 known mailing addresses, Social Security numbers, and number of pay periods worked during the  
22 PAGA Period, pursuant to the terms of the Settlement Agreement.

23 11. The Administrator is directed to mail the Individual PAGA Payments and the  
24 Notice of Settlement to Aggrieved Employees within fourteen (14) calendar days of receipt of the  
25 Gross Settlement Amount being fully funded, pursuant to the terms of the Settlement Agreement.

26 12. Upon entry of this Order, the LWDA and each and every Aggrieved Employee,  
27 including Plaintiffs, shall be deemed and are deemed to have conclusively released and forever  
28 discharged the Released Parties (*i.e.*, Defendant and each of its former and present directors,

1 officers, shareholders, owners, members, attorneys, insurers, predecessors, successors, assigns,  
2 subsidiaries, and affiliates) from the Released Claims, as defined in the Settlement Agreement. As  
3 a result of this release, the Aggrieved Employees will be and are permanently barred and enjoined  
4 from the institution or prosecution of all Released Claims against the Released Parties.

5 13. Neither the settlement, nor any term set forth in the Settlement Agreement, is an  
6 admission of liability or any wrongdoing by the Released Parties. Defendant denies the  
7 allegations and claims in this action. The Court's Order is not a finding of the validity or merits of  
8 any claims in the lawsuit or of any wrongdoing by the Released Parties.

9 14. This Order is intended to be a final disposition of the lawsuit in its entirety and is  
10 intended to be immediately appealable.

11 15. The Court shall retain jurisdiction with respect to all matters related to the  
12 administration and consummation of the settlement.

13 16. The court hereby enters final judgment in this Action in accordance with the terms  
14 of the Settlement Agreement.

15 17. Plaintiff shall submit a copy of this Order and Judgment to the LWDA within ten  
16 calendar days after entry of this Order and Judgment.

17 18. Without affecting the finality of this Order, pursuant to California Code of Civil  
18 Procedure Section 664.6 and Rule 3.769(h) of the California Rules of Court, the Court reserves  
19 exclusive and continuing jurisdiction over this Action, Plaintiffs, the Aggrieved Employees, and  
20 Defendant for the purposes of supervising the implementation, enforcement, construction, and  
21 interpretation of the Settlement Agreement.

22 ~~19. The Court sets a Final Accounting hearing re Disbursement of Settlement Funds~~  
23 ~~and Order to Show Cause re dismissal on July 14, 2025 at 3:00 p.m. in Department 40.~~

24 **IT IS SO ORDERED, ADJUDGED, AND DECREED, AND LET JUDGMENT BE**  
25 **FORTHWITH ENTERED ACCORDINGLY.**

26  
27 Dated: 2025/07/14



Michael W. Jones

HON. JUDGE OF THE SUPERIOR COURT

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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 5743 Corsa Ave, Suite 123, Westlake Village, CA 91362.

On **November 19, 2024**, I served the foregoing document described as:

- 1. [Proposed] Order and Judgment Approving Settlement of Private Attorneys General Act Claims**

on the interested parties in this action as follows:

**Kerry Friedrichs**  
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**Michael Calvo**  
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**[ava@jameshawkinsaplc.com](mailto:ava@jameshawkinsaplc.com)**

**[ ] BY U.S. MAIL.** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal

1 Service on that same date with postage thereon fully prepaid at Los Angeles, California in the  
2 ordinary course of business. I am aware that on motion of the party served, service is presumed  
3 invalid if postal cancellation date or postage meter date is more than one day after the date of  
4 deposit for mailing in affidavit. Executed on \*.\* , at Westlake Village, California.

5  **BY ELECTRONIC SERVICE [EMAIL].** Sending a true copy of the above-described  
6 document(s) via electronic transmission from email address jul@olfla.com to the persons listed  
7 above on **November 19, 2024**. The transmission was reported as complete and without error.

8  **BY PERSONAL SERVICE.** I delivered such envelope by hand to the office of the  
9 addressee. Executed on \*.\* , at Westlake Village, California.

10  **STATE:** I declare under penalty of perjury under the laws of the State of California that  
11 the above is true and correct.



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