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17 **SUPERIOR COURT OF CALIFORNIA**
 18 **COUNTY OF ALAMEDA – COMPLEX DIVISION**

19 EVELYN HOLLIMAN, SHERRY CALLAHAN,
 20 THANA BRUNGES AND SHANEE JONES, on
 21 behalf of themselves and other members of the
 22 general public similarly situated,

23 Plaintiffs,

24 v.

25 KAISER FOUNDATION HEALTH PLAN,
 26 KAISER FOUNDATION HOSPITALS, THE
 27 PERMANENTE MEDICAL GROUP,
 28 SOUTHERN CALIFORNIA PERMANENTE
 MEDICAL GROUP; and DOES 1 through 10,
 inclusive,

Defendants.

FILED
ALAMEDA COUNTY

APR 11 2007

CLERK OF THE SUPERIOR COURT
 By [Signature] Deputy

Case No. RG 05247858

[Assigned to the Hon. Bonnie L. Sabraw]

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

Date: April 11, 2007

Time: 9:00 a.m.

Dept.: 22

Action Filed: December 22, 2005

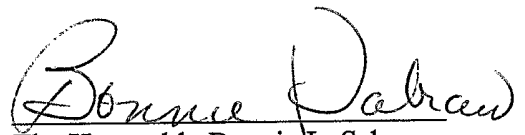
1 On April 11, 2007, this Court considered Plaintiffs' Motion for Preliminary Approval of
2 a Class Action Settlement in Holliman et al. v. Kaiser Foundation Health Plan et al., Case No.
3 RG05247858 ("the Action"); the parties' Joint Stipulation of Settlement and Release
4 ("Settlement Agreement"); Notice of Pendency of Class Action, Proposed Settlement and
5 Hearing Date for Court Approval; Claim Form; Request for Exclusion Form; and the documents
6 submitted in support of that motion. Initiative Legal Group, LLP and Schneider & Wallace,
7 appeared as Class Counsel for and on behalf of the Plaintiffs and the Class. Seyfarth Shaw LLP
8 appeared on behalf of Defendants Kaiser Foundation Health Plan at al. Having considered the
9 Settlement Agreement, and all the supporting legal authorities and documents, **IT IS HEREBY**

10 **ORDERED THAT:**

- 11 1. The Action is certified as a class action on behalf of All current and former non-exempt
12 hourly workers employed by Defendants at their business locations within the state of
13 California from December 22, 2001 through April 11, 2007;
- 14 2. The class action settlement set forth in the Settlement Agreement is preliminarily
15 approved as it appears to be proper, to fall within the range of reasonableness, and to be
16 presumptively valid subject only to any objections that may be raised at the Fairness and
17 Final Approval hearing (see Dunk v. Ford Motor Company, 48 Cal. App. 4th 1794
18 (1996));
- 19 3. The Court approves, as to form and content, the proposed Notice of Pendency of Class
20 Action, Proposed Settlement and Hearing Date for Court Approval; Claim Form; Request
21 for Exclusion Form; and the proposed settlement terms as reflected in the Settlement
22 Agreement;
- 23 4. The Court directs the mailing, by first class mail, of the Notice of Pendency of Class
24 Action, Proposed Settlement and Hearing Date for Court Approval; Claim Form; and
25 Request for Exclusion Form to the Class Members in accordance with the schedule set
26 forth below. The Court finds that the dates selected for the mailing of the Notice of
27 Pendency of Class Action, Proposed Settlement and Hearing Date for Court Approval;
28 Claim Form; and Request for Exclusion Form meet the requirements of due process,

- 1 provide the best notice practicable under the circumstances and constitute due and
 2 sufficient notice to all persons entitled to notice;
- 3 5. The Court grants preliminary approval of attorneys' fees and costs payable to Class
 4 Counsel of up to one-third of the total settlement amount;
- 5 6. The Court grants preliminary approval of enhancement payments of \$10,000 to each
 6 Class Representative, as provided in the Settlement Agreement;
- 7 7. The following dates shall govern for the purposes of this settlement:
- 8 *BJA* ³⁰
 April ~~23~~, 2007: Defendant to produce (1) name, (2) last known home address,
 9 (3) Social Security number (or Employee ID number), (4) the pay periods each
 10 class member worked during the relevant class period, and (5) whether the
 11 employee's last job with Kaiser places them in the Primary Subclass or one of the
 12 other two Subclasses;
- 13 *BJA* ¹⁰
 May ~~3~~, 2007: Last day for Mailing of Notice of Pendency of Class Action,
 14 Proposed Settlement and Hearing Date for Court Approval; Claim Form; and
 15 Request for Exclusion Form to Class Members;
- 16 *BJA* ²⁵
 June ~~16~~, 2007: Last day to submit Claim Forms;
- 17 ²⁵
 June ~~16~~, 2007: Last day to submit Request for Exclusion Forms;
- 18 ²⁵
 June ~~16~~, 2007, 2007: Last day to file written objections to Class Action
 19 Settlement with the Court;
- 20 *BJA* ⁹
 July ~~2~~, 2007: Plaintiffs to file a Motion for Final Approval, parties to file
 21 supplemental briefs regarding proof of mailing, objections, and any related or
 22 outstanding issues; and,
- 23 *BJA* ¹⁷ at 2:00pm., Dept. 22
 July ~~9~~, 2007: Fairness and Final Approval Hearing.

24
 25 IT IS SO ORDERED, this 11th day of April, 2007

26
 27 
 The Honorable Bonnie L. Sabraw
 Judge of the Superior Court