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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSHUA WRIGHT, LORETTA STANLEY,
HALEY QUAM, and AIESHA LEWIS, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

FRONTIER MANAGEMENT LLC,
FRONTIER SENIOR LIVING, LLC, and GH
SENIOR LIVING, LLC dba GREENHAVEN
ESTATES ASSISTED LIVING,

Defendants.

Case No. 2:19-cv-01767-JAM-CKD

Hon. John A. Mendez

**STIPULATION AND [PROPOSED] ORDER
TO AMEND NOTICE OF SETTLEMENT
AND ASSOCIATED SETTLEMENT
ADMINISTRATION DEADLINES**

Complaint Filed: September 6, 2019

Trial Date: None

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12 MANAGEMENT LLC, FRONTIER
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14 dba GREENHAVEN ESTATES ASSISTED LIVING
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1 Plaintiffs Joshua Wright, Loretta Stanley, Haley Quam, and Aiesha Lewis (collectively,
2 “Plaintiffs”) and Defendants Frontier Management LLC, Frontier Senior Living, LLC, and GH
3 Senior Living, LLC dba Greenhaven Estates Assisted Living (collectively, “Defendants”) (Plaintiffs
4 and Defendants are collectively referred to as the “Parties”), by and through their attorneys of
5 record, hereby stipulate as follows:

6 1. **WHEREAS**, on July 21, 2022, Plaintiffs filed a Motion for Preliminary Approval for
7 Class and Collective Action Settlement (ECF 85), which requested the Court to approve the Parties’
8 Class Action Settlement Agreement and Release (“Settlement”), which would resolve the wage and
9 hour claims of thousands of California, Oregon, Washington, and Illinois class members (“State
10 Class Members”); Collective Members under the Fair Labor Standards Act (“FLSA”); and the state
11 of California’s claims for Labor Code violations against Aggrieved Employees under the Private
12 Attorneys’ General Act of 2004 (“PAGA”);

13 2. **WHEREAS**, the Settlement provides in relevant part that Aggrieved Employees are
14 non-exempt employees in the State of California at any time between July 7, 2018 and preliminary
15 approval – unlike State Class Members and Collective Members whose respective time periods end
16 on March 1, 2022 – and that such Aggrieved Employees shall be paid a *pro rata* portion of the Net
17 PAGA Amount (*i.e.*, \$23,750) (ECF 85-1, Ex. 1 at ¶ 38.b; *compare* ¶ 2.b with ¶¶ 2.c, 2.g, 2.s, 2.w,
18 2.kk);

19 3. **WHEREAS**, the Court granted Plaintiffs’ Motion for Preliminary Approval for Class
20 and Collective Action Settlement on August 29, 2022 (ECF 89), granting in relevant part the Parties’
21 proposed Notices of Settlement attached to the Settlement as Exhibits C and D (ECF 85-1, Ex. 1,
22 ¶¶ 2.ii, 10; *see also* ECF 85-1, Exs. C (“Notice of Class Action Settlement” to State Class Members
23 and Aggrieved Employees) and D (“Notice of Collective Action Settlement” to Collective Members
24 who are not also State Class Members)) and authorizing the Parties to make non-substantive changes
25 to the Notices of Settlement consistent with the Settlement and the Court’s Order (ECF 89, ¶¶ 11,
26 13);

27 4. **WHEREAS**, the Court’s Preliminary Approval Order further approved and adopted
28 the implementation schedule, setting in relevant part the following deadlines:

- 1 a. **Deadline for Defendants to provide SSI (the settlement administrator) with the**
2 **Class List**: within 30 calendar days after the Court’s preliminary approval of the
3 Settlement.
- 4 b. **Deadline for SSI to mail the Notice of Settlement to Class Members**: within 10
5 business days after SSI receives the Class List.
- 6 c. **Deadline for State Class Members to postmark requests to opt-out or file**
7 **objections to the Settlement (“Notice Deadline”)**: 60 days after Notice of
8 Settlement are initially mailed.
- 9 d. **Deadline for SSI to provide all counsel with a report showing (i) the names of**
10 **Settlement Class Members; (ii) the Individual Settlement Payments owed to**
11 **each Settlement Class Members; (iii) the final number of Settlement Class**
12 **Members who have submitted objections or valid letters requesting exclusion**
13 **from the Settlement; (iv) the estimated average and median recoveries per State**
14 **Class Member; (v) the largest and smallest estimated recoveries to State Class**
15 **Members; and (vi) the number of undeliverable Notices of Settlement**: within 10
16 business days after the Notice Deadline.

17 (*Id.*, ¶ 17);

18 5. **WHEREAS**, Plaintiffs’ motions for final approval and for approval of attorneys’ fees
19 and costs and for service award are to be filed by December 23, 2022 (*Id.*, ¶¶ 14-15);

20 6. **WHEREAS**, the Final Approval Hearing is set for hearing on March 1, 2023 at 1:30
21 p.m. in Courtroom 6, 14th Floor of the above-captioned Court, over three months following
22 Plaintiffs’ scheduled deadline to file their motions for approval and for fees and costs (*see Id.*, ¶ 16);

23 7. **WHEREAS**, pursuant to the Preliminary Approval Order, Defendants were required
24 to provide SSI with the Class List by September 28, 2022; Notices of Settlement were scheduled to
25 be mailed on October 13, 2022; the Notice Deadline was scheduled to expire on December 12, 2022;
26 and the deadline for SSI to provide counsel with the post-notice administration report was December
27 26, 2022;

28 8. **WHEREAS**, Defendants provided SSI with the Class List on September 28, 2022;

1 9. **WHEREAS**, the Parties are informed that the settlement administrator, SSI, had
 2 difficulties obtaining sufficient envelopes for the mailing of the Notices of Settlement to State Class
 3 Members and Collective Members by October 13, 2022, but these issues which have since been
 4 resolved;

5 10. **WHEREAS**, the Parties determined that approximately 235 Aggrieved Employees
 6 are neither State Class Members nor Collective Members, and that neither Notice of Settlement
 7 indicate the number of workweeks worked by Aggrieved Employees;

8 11. **WHEREAS**, the Parties agree that the following Notice of Settlement attached as
 9 Exhibit 1¹ should be sent to all State Class Members and Aggrieved Employees in lieu of the
 10 operative Notice of Class Action Settlement (ECF 85-1, Ex. C);

11 12. **WHEREAS**, the Parties agree that the operative notice administration deadlines
 12 should be modestly extended to allow the Parties sufficient time to obtain approval regarding the
 13 Notice of Settlement to Aggrieved Employees who are neither State Class Members nor Collective
 14 Members, and in light of delays to obtain sufficient envelopes to facilitate the notice process.

15 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED:**

- 16 1. The Parties respectfully request that the Notice of Settlement attached as **Exhibit 1** should
 17 be sent to all State Class Members and Aggrieved Employees in lieu of the operative
 18 Notice of Class Action Settlement (ECF 85-1, Ex. C); and
 19 2. The operative notice administration deadlines set forth in the Court’s Preliminary
 20 Approval (ECF 89) be modified as follows, leaving all other deadlines undisturbed:

Event	Operative Deadline Pursuant to ECF 89	Proposed Modified Deadline
<u>Deadline for SSI to mail the Notice of Settlement to Class Members</u>	Within 10 business days after SSI receives the Class List	Within 7 days of the Court’s order granting the Parties’ Stipulation to Amend Notice of Settlement and Associated Settlement Administration Deadlines

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 27 ¹ A redlined version of this Notice of Settlement, which includes non-redlined edits as authorized
 28 under the order granting preliminary approval (*see* ECF 89, ¶¶ 11, 13), is attached as Exhibit 2.

Event	Operative Deadline Pursuant to ECF 89	Proposed Modified Deadline
<p>1 <u>Deadline for Plaintiffs to file</u> 2 <u>their motions for final</u> 3 <u>approval and for approval of</u> 4 <u>attorneys' fees and costs and</u> <u>for service award</u></p>	<p>December 23, 2022</p>	<p>January 23, 2023</p>

5 Dated: October 20, 2022

6 /s/ Michelle S. Lim
 Carolyn H. Cottrell
 Ori Edelstein
 Michelle S. Lim
SCHNEIDER WALLACE
COTTRELL KONECKY LLP

7
 8
 9 *Attorneys for Plaintiffs and the Putative*
 10 *Class and Collective*

11
 12 Dated: October 20, 2022

13 /s/ Oscar E. Peralta
 Barbara I. Antonucci
 Sarah K. Hamilton
 Oscar E. Peralta
CONSTANGY, BROOKS, SMITH &
PROPHETE LLP

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 16
 17 *Attorneys for Defendants*
 18 FRONTIER MANAGEMENT LLC, FRONTIER
 19 SENIOR LIVING, LLC and GH SENIOR LIVING,
 20 LLC dba GREENHAVEN ESTATES ASSISTED
 21 LIVING

[PROPOSED] ORDER

1 Plaintiffs Joshua Wright, Loretta Stanley, Haley Quam, and Aiesha Lewis (“Plaintiffs”) and
2 Defendants Frontier Management LLC, Frontier Senior Living, LLC, and GH Senior Living, LLC
3 dba Greenhaven Estates Assisted Living (collectively, “Defendants”) (Plaintiffs and Defendants are
4 collectively referred to as the “Parties”), have stipulated to (1) approve a revised Notice of Class
5 Action Settlement to be sent to Aggrieved Employees and State Class Members; (2) modify the
6 deadline for the settlement administrator to mail Notices of Settlement to all State Class Members,
7 Collective Members, and Aggrieved Employees; and (3) request an extension to Plaintiffs’ deadline
8 to file their motions for final approval and for approval of attorneys’ fees and costs and for service
9 awards.

10 Having considered the Parties’ stipulation, and for good cause shown, the Parties’ Stipulation
11 to Amend Notice of Settlement and Associated Settlement Administration Deadlines is **GRANTED**
12 as follows:

- 13 (1) **Exhibit 1** to the Parties’ Stipulation is approved and shall be sent to all State Class
14 Members and Aggrieved Employees in lieu of the operative Notice of Class Action
15 Settlement (ECF 85-1, Ex. C).
- 16 (2) The notice administration deadline for SSI to mail the Notice of Settlement to Class
17 Members as set forth in ECF 89, para. 17, shall be modified from “[w]ithin 10 business
18 days after SSI receives the Class List” to “within 7 days of this order granting the Parties’
19 Stipulation to Amend Notice of Settlement and Associated Settlement Administration
20 Deadlines.”
- 21 (3) The deadline for Plaintiffs to file their motions for final approval and for approval of
22 attorneys’ fees and costs and for service awards shall be continued from December 23,
23 2022, to January 23, 2022.
- 24 (4) No further deadlines set forth in ECF 89 shall be disturbed by this order.
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IT IS SO ORDERED.

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Dated: _____

HON. JOHN A. MENDEZ
UNITED STATES DISTRICT JUDGE

SIGNATORY ATTESTATION

The e-filing attorney hereby attests that concurrence in the content of the attached documents and authorization to file the attached documents has been obtained from the other signatory indicated by a conformed signature (/s/) within the attached e-filed documents.

Dated: October 20, 2022 /s/ Michelle S. Lim

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court for the United States District Court, Eastern District of California, by using the Court's CM/ECF system on October 20, 2022.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Court's CM/ECF system.

Dated: October 20, 2022 /s/ Michelle S. Lim