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9 Attorneys for PLAINTIFF  
10 KYLE FRENCHER, on behalf of herself  
11 and others similarly situated.

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **FOR THE COUNTY OF LOS ANGELES – CENTRAL CIVIL WEST**

14 KYLE FRENCHER, on behalf of herself and  
15 others similarly situated.

16 PLAINTIFF,

17 vs.

18 PACIFICA OF THE VALLEY  
19 CORPORATION dba PACIFICA HOSPITAL  
20 OF THE VALLEY; and DOES 1 to 100,  
21 Inclusive.

22 DEFENDANTS.

Case No.: BC559056

Assigned for all Purposes to the Hon. Elihu M.  
Berle, Dept. 323

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR CLASS  
CERTIFICATION**

23 Having come before the Elihu M. Berle of the Superior Court of the State of California, in  
24 and for the County of Los Angeles; the Court, having carefully considered the briefs, argument of  
25 counsel and all matters presented to the Court and good cause appearing, hereby GRANTS  
26 Plaintiffs' Motion for Class Certification, based on the following findings:

27 (a) Ascertainability. The class members are identifiable through Defendant's  
28 employment records. Plaintiff's proposed class definitions are adequate and the class is  
ascertainable.

1 (b) Numerosity. There are at least 1,013 class members who worked as non-exempt  
2 employees for the defendant during the relevant time period. Since it would be impractical to join  
3 hundreds of persons individually into this action, within the meaning of California Code of Civil  
4 Procedure section 382, the class satisfies the numerosity requirement.

5 (c) Typicality. Plaintiff Frencher has submitted convincing evidence that she is a  
6 member of the class and has sufficiently typical of the interests alleged on behalf of the class  
7 members in this action. Specifically, Plaintiff was employed by Defendant during the class period,  
8 and was subject to the same allegedly unlawful failure to pay wages, failure to provide meal and rest  
9 periods, and thus meets the typicality requirement.

10 (d) Adequacy. Plaintiff's interests are in line with those of the class members. Plaintiff  
11 understands that this action was brought to recover damages on behalf of all class members, and she  
12 has a duty to consider the interests of the class members first. Plaintiff has confirmed she will  
13 continue to assist her attorneys in this litigation. Accordingly, the Court finds that Plaintiff Frencher  
14 is an adequate class representative. Plaintiff's chosen attorneys are capable of effectively prosecuting  
15 this litigation. Attorneys Joseph Lavi and Vincent C. Granberry possess the necessary knowledge  
16 and experience in class action matters and are adequate to act as class counsel.

17 (e) Commonality. The Court considered each of Plaintiff's theories to support allegations  
18 that Defendant's failure to pay wages for "rounded" and auto-deducted time, failure to provide  
19 wages for missed second meal breaks and third rest breaks, failure to provide wages for inadequate  
20 meal breaks, failure to provide accurate wage statements, and failure to provide timely unpaid wages  
21 after separation of employment. The court finds that each of these theories are subject to  
22 predominant questions of law and fact and are most efficiently resolved on a class-wide basis,  
23 because the policies apply to all class members and common questions can be used to determine  
24 general liability under the theories. Accordingly, certification is appropriate.

25 (f) Superiority. Class members' individual damages in this case will be relatively small,  
26 based on the amount of unpaid daily minutes, modest hourly wages, and the statute of limitations for  
27 wage and hour claims. Thus, each class member's interest in managing their own personal case will  
28 be very low. Due to the fact that common questions predominate the inquiry into the class members'

1 right to wages, there is no indication that overwhelming difficulties will arise in the management of  
2 the case. A class action is thus a superior means of resolving the claims.

3 IT IS HEREBY ORDERED THAT Plaintiff's Motion for Class Certification is hereby  
4 GRANTED as to Plaintiff's claims, and that the following Classes are certified:

- 5 i. **Minimum Wage Class:** "All current and former hourly non-exempt  
6 employees employed by Defendant at any time between September 29,  
7 2010, through the date of a signed order certifying the class who were  
8 not compensated for all hours worked."
- 9 ii. **Auto Deduct Class:** "All current and former hourly non-exempt  
10 employees employed by Defendant at any time between September 29,  
11 2010, through the date of a signed order certifying the class who  
12 worked any shift more than 6 hours and were automatically deducted  
13 30 minutes for meal breaks."
- 14 iii. **2nd Meal Class:** "All current and former hourly employees employed  
15 by Defendant at any time between September 29, 2010, through the  
16 date of a signed order certifying the class that worked any shift more  
17 than 10 hours and did not receive a second meal break."
- 18 iv. **2nd Meal Waiver Class:** "All current and former hourly employees  
19 employed by Defendant at any time between September 29, 2010,  
20 through the date of a signed order certifying the class that worked any  
21 shift more than 10 hours and did not receive a second meal break after  
22 signing a meal waiver."
- 23 v. **3rd Rest Class:** "All current and former hourly employees employed  
24 by Defendant at any time between September 29, 2010, through the  
25 date of a signed order certifying the class that worked any shift more  
26 than 10 hours and did not receive a third rest break."
- 27 vi. **[1st Meal Class:** "All current and former hourly employees employed  
28 by Defendant at any time between September 29, 2010, through the  
date of a signed order certifying the class that worked any shift more  
than 5 hours and did not receive a thirty minute uninterrupted first  
meal break."]
- vii. **Wage Statement Class:** "All current and former hourly employees  
employed by Defendant at any time between September 29, 2013, and  
the date the court signs an order certifying a class."
- viii. **Final Wage Class:** "All former hourly employees employed by  
Defendant at any time between September 29, 2010 through the date of  
a signed order certifying the class who worked more than 10 hours and  
did not receive a second meal break or third rest break, who worked  
more than 5 hours and did not receive an uninterrupted thirty minute  
first meal break, or Defendant failed to pay wages for all hours the  
employees were working or were under direction and control of  
Defendant."

IT IS FURTHER ORDERED THAT the Court appoints Plaintiff Kyle Frencher as Class  
Representative and Joseph Lavi and Vincent Granberry of Lavi & Ebrahimian, LLP as Class  
Counsel.

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IT IS FURTHER ORDERED THAT the parties shall submit to the Court the proposed form of notice to the class on or before \_\_\_\_\_.

IT IS SO ORDERED.

Dated: \_\_\_\_\_ By: Elihu M. Berle  
Judge of the Superior Court