



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-10-505288

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ORDER

MARIA HERNANDEZ, BY AND THROUGH HER GUARDIAN AD et al VS.
GOLDEN GATE EQUITY HOLDINGS, LLC et al

001C04176643

Instructions:

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AUG 23 2013

CLERK OF THE COURT

BY: Julia Sheen
Deputy Clerk

1 Robert S. Arns, State Bar No. 65071
Jonathan E. Davis, State Bar No. 191346
2 **THE ARNS LAW FIRM**
515 Folsom Street, 3rd Floor
3 San Francisco, CA 94105
Tel: (415) 495-7800 | Fax: (415) 495-7888

4 Kathryn A. Stebner, State Bar No. 121088
5 Sarah Colby, State Bar No. 194475
STEBNER AND ASSOCIATES
6 870 Market Street, Suite 1212
San Francisco, CA 94102
7 Tel: (415) 362-9800 | Fax: (415) 362-9801

8 Michael D. Thamer, State Bar No. 101440
LAW OFFICES OF MICHAEL D. THAMER
9 Old Callahan School House
12444 South Highway 3, Post Office Box 1568
10 Callahan, CA 96014-1568
Tel: (530) 467-5307 | Fax: (530) 467-5437

11
12 Attorneys for Plaintiffs
[Additional Counsel listed on Service Page]

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SAN FRANCISCO**

16 Maria Hernandez, by and through her Guardian Ad
Litem, Isabel Simental-Collier, and Vicki Glenn, as
17 successor-in-interest to the Estate of Melba Ann
Shroyer, on their own behalf and on behalf of
18 others similarly situated,

19 Plaintiffs,

20 v.

21 Golden Gate Equity Holdings, LLC; et al.,

22 Defendants.
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Case No. CGC-10-505288

Action Filed: November 10, 2010

~~PROPOSED~~ **FINAL APPROVAL ORDER**

Date: August 23, 2013

Time: 1:30 p.m.

Dep't.: 303

Judge: Hon. Richard A. Kramer

1 WHEREAS, this matter came before the Court on August 23, 2013, pursuant to the Court's
2 Order Granting Preliminary Approval of Class Action Settlement (filed April 19, 2013 and herein
3 "Preliminary Approval Order"), for hearing on Plaintiffs' Motion for Final Approval of Class Action
4 Settlement and Plaintiffs' Motion for Attorneys' Fees and Litigation Costs;

5 WHEREAS, due and adequate notice of such hearing having been provided to the Settlement
6 Classes in accordance with the Preliminary Approval Order, and the Court having considered the oral
7 arguments of counsel, together with all briefing, evidence, and other documents filed or lodged in
8 support of the motions, and all other papers and documents comprising the record herein, and good
9 cause appearing, IT IS HEREBY ORDERED AS FOLLOWS:

10 1. This Final Approval Order ("Order") incorporates by reference the definitions
11 contained in the Settlement Agreement and all terms used herein shall have the same meanings as set
12 forth in the Settlement Agreement.

13 2. The Court has jurisdiction over the claims and subject matter of the Action, and Parties
14 to the Action, including the Settlement Class Members. Pursuant to Code of Civil Procedure § 664.6
15 and California Rule of Court 3.769(h), the Court hereby reserves jurisdiction over the Parties, the
16 Action, and the settlement to, among other things, enforce the terms of the Settlement Agreement, the
17 Stipulated Compliance Protocol and this Order, and to hear plaintiffs' application to approve cy pres
18 recipients (if any).

19 3. The Settlement Classes conditionally certified in the Preliminary Approval Order are
20 hereby certified pursuant to California Code of Civil Procedure section 382 as follows:

21 3.1. The "Resident Class," which is defined as all persons who resided at one or
22 more of the defendants' California skilled nursing facilities (the "Defendant Facilities") at any time
23 from and including November 10, 2006 through and including March 15, 2013 (the "Settlement Class
24 Period").

25 3.2. The "Successor Class," which is defined as:

26 (a) all persons who are named as a beneficiary in the will or living trust of
27 any Resident Class Member who is deceased as of the Claim Bar Date; or

28 (b) if there was no will or living trust, then:

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1. The surviving spouse or domestic partner of the Resident Class Member.
2. If none of the above, the child of the Resident Class Member, or child of a pre-deceased child of the Resident Class Member.
3. If none of the above, the surviving parent of the Resident Class Member.
4. If none of the above, the sibling of a Resident Class Member, or a child of a pre-deceased sibling of the Resident Class Member.
5. If none of the above, the grandparent of a Resident Class Member, or a child or grandchild of the pre-deceased grandparent of the Resident Class Member.

4. Excluded from the Settlement Class are all persons who timely opted-out of the settlement, who are listed on Exhibit A to this Order. All persons who timely opted-out are not bound by this Order, but also shall not be entitled to benefits provided to Settlement Class Members under the Settlement Agreement.

5. The Court finds that the Class Notice was provided to Settlement Class Members in accordance with the Preliminary Approval Order and was reasonable notice in form, manner and content under the circumstances. Due and adequate notice of the proposed settlement, plaintiffs' motion for final approval and plaintiffs' application for attorneys' fees, costs, service fees and other relief has been properly provided to all persons entitled to such notice, and the Class Notice fully complies with the requirements of California law and the requirements of due process.

6. The Court finds that the requirements of California Code of Civil Procedure Section 382 have been satisfied in full and that the Named Plaintiffs are adequate class representatives of the Settlement Classes.

7. The following firms are approved as Class Counsel to represent the Settlement Classes: Stebner and Associates; The Arns Law Firm; The Law Offices of Michael D. Thamer; Janssen Malloy LLP; and McKenna Long & Aldridge LLP.

1 8. The Court hereby grants final approval of the settlement set forth in the Settlement
2 Agreement as fair, reasonable and adequate. The settlement shall be implemented in accordance with
3 the terms and conditions of the Settlement Agreement.

4 9. There have been no objections to the settlement or the Settlement Agreement by any
5 Settlement Class Member. The objections asserted by non-party Micheline Justman of the North Bay
6 Regional Center are without merit and are overruled.

7 10. Upon the Effective Date as defined in the Settlement Agreement, the Release
8 Provisions in the Section 12 of the Settlement Agreement shall be effective in accordance with the
9 terms and conditions of the Settlement Agreement.

10 11. Neither the Settlement Agreement, nor any negotiations or proceedings connected with
11 respect thereto, shall be construed as an admission or concession by Settling Defendants of the truth
12 of any of the allegations related to or arising under the Action, or of any liability, fault or wrongdoing
13 of any kind.

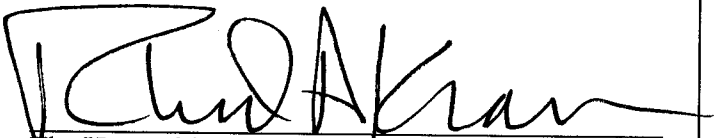
14 12. The Court approves the cost of class notice and claims administration up to \$150,000,
15 as agreed to in the Settlement Agreement.

RAY

16 ~~13. This Order is final.~~

17 IT IS SO ORDERED.

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20 Dated: 8-23-13


The Honorable Richard A. Kramer
Judge of the Superior Court

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EXHIBIT

A



Hernandez v. Golden Gate Equity Holdings, LLC

Report on Opt Out Requests

ClaimID	FirstName	LastName	Name1	City	State	OptOut
GGHN110257934	ELSIE	ANDERSON		VALLEY SPGS	CA	6/6/2013
GGHN110181016	ESTHER	ANDERSON	FOR JACK ANDERSON	FRESNO	CA	7/16/2013
GGHN110210377	DIANE	BADLOCK		ANGWIN	CA	5/29/2013
GGHN110080171	GEORGE	BAKER	C/O ISABEL BAKER	SANTA ROSA	CA	6/24/2013
GGHN110287744	SUSAN	BARRICK		PINEDALE	CA	6/17/2013
GGHN110271660	DISA	BORACCI		REDDING	CA	6/10/2013
GGHN110002847	LILLIAN	BROCKER	C/O PARTICIA ROSE, CONSERVATOR	ALAMEDA	CA	7/18/2013
GGHN110205373	PAT	CACERES		NAPA	CA	5/29/2013
GGHN110087583	LAURETTE	CARRION		WINDSOR	CA	5/29/2013
GGHN110018930	PATRICIA	CROUCH		FRESNO	CA	6/13/2013
GGHN110258167	ROSE	DELBARBA		STOCKTON	CA	7/22/2013
GGHN110174931	DELMA	DENTON	FOR DEWAYNE DENTON	TOLLHOUSE	CA	6/29/2013
GGHN110196277	ALVIRA	DEWEESE		FRESNO	CA	6/12/2013
GGHN110026401	SIDNEY	DOWELL		FRESNO	CA	6/6/2013
GGHN110297146	WAYNE	FISHER		HAYWARD	CA	5/28/2013
GGHN110078738	PATRICIA	FRANKUS		SANTA ROSA	CA	6/10/2013
GGHN110077650	MICHELE	GEORGE		WINDSOR	CA	6/4/2013
GGHN110270035	ALICE	GOULD	C/O MARIANNE LUCYK	REDDING	CA	6/5/2013
GGHN110061118	JOAQUIN	GUTIERREZ	C/O MARGARITA JIMENEZ-DAUGHTER	SANTA ROSA	CA	6/28/2013
GGHN110303995	SHIRLEY	HEATH		TULARE	CA	6/11/2013
GGHN110178970	LUCILLE	JOHNSON		SANGER	CA	5/29/2013
GGHN110058273	BETTY	JOHNSON		AMERICAN CYN	CA	5/31/2013
GGHN110182489	DAN	KAISER		FRESNO	CA	7/9/2013
GGHN110202790	JAMES	LONDO	FOR IDA LONDO	NAPA	CA	7/10/2013
GGHN110207201	AUDREY	MEEKS		NAPA	CA	7/21/2013
GGHN110032398	ROBERT	MILES		COARSEGOLD	CA	7/11/2013
GGHN110249486	MARTHA	MILNER		GLEN ELLEN	CA	6/3/2013
GGHN110043594	SHIRLEY	OAKS		NAPA	CA	6/3/2013

ClaimID	FirstName	LastName	Name1	City	State	OptOut
GGHN110246550	BARBARA	PAYNE		SHAFTER	CA	5/30/2013
GGHN110072306	JOSEE	PETERS		SANGER	CA	7/19/2013
GGHN110049991	THOMAS	PETERSON		NAPA	CA	7/10/2013
GGHN110106901	THOMAS	PORTER		STOCKTON	CA	5/31/2013
GGHN110064028	SHIRLEY	RIVENBURGH		MIDDLEBURGH	NY	6/24/2013
GGHN110195998	JANICE	ROBERTS, TRUSTEE	FOR WILLIAM DUNKLAU	GOLETA	CA	6/27/2013
GGHN110172432	PATRICIA	ROSE		ALAMEDA	CA	7/18/2013
GGHN110003185	HELEN	SIMPSON		CLOVIS	CA	5/30/2013
GGHN110242996	DOLORES	STACEY		SANTA ROSA	CA	5/30/2013
GGHN110073809	ENRIQUE	VALDEZ	C/O JOEL MURILLO LAW OFFICE	SANGER	CA	7/16/2013
GGHN110172181	JOYCE	VARGAS		FRESNO	CA	5/30/2013
GGHN110208623	MARY	VOSHER		CALISTOGA	CA	6/17/2013
GGHN110081950	THOMAS	WHITSON	C/O BARBARA WHITSON	SEBASTOPOL	CA	5/29/2013
GGHN110052330	MARIAN	YATCHMENOFF		NAPA	CA	6/4/2013