

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ROBERTINA BREAUCHY, :  
 : CLASS ACTION  
 :  
 Plaintiff, : NO. 2015-CV-01366  
 :  
 v. :  
 : NON-JURY TRIAL  
 ALMA HEALTH, LLC (d/b/a Medstaffers) :  
 :  
 Defendant. :  
 :

2019 JUL 22 PM 2:08  
DAUPHIN COUNTY  
PENNA  
JUDICIAL CENTER  
DAUPHIN

ORDER

AND NOW, this <sup>nd</sup> 22 day of July, 2019, upon consideration of Plaintiff's "Unopposed Motion for Final Approval of the Class Action Settlement" (the "Motion"), the accompanying Class Action Settlement Agreement ("Settlement Agreement"), and the representations of all counsel during the July 22, 2019 Fairness Hearing, and all other papers and proceedings herein, it is hereby **ORDERED** as follows:

WHEREAS, Plaintiff Robertina Breauchy ("Named Plaintiff"), on behalf of herself and the class of individuals certified by the Court, has asserted claims in this action for damages against Defendant Alma Health, LLC (d/b/a Medstaffers) ("Defendant") for violations of the Pennsylvania Minimum Wage Act, 43 P.S. §§ 333.101, *et seq.* ("PMWA"); and

WHEREAS, the Named Plaintiff and Defendant, desiring to resolve this action, have executed and submitted to this Court the Class Action Settlement Agreement; and

WHEREAS, Defendant, in exchange for the mutual promises, releases, and consideration described in the Settlement Agreement, has agreed to create a settlement fund totaling \$100,000.00 ("the Settlement Fund"), which shall be used to fund all aspects of the settlement of this action, including, *inter alia*, all payments to the participating class members, the Named Plaintiff, and Class Counsel, and all settlement administrative expenses; and

WHEREAS, on May 6, 2019, this Court entered an Order preliminarily approving the settlement of this action and directing that notice be provided in accordance with the notice plan to the class, pursuant to the Pennsylvania Rules of Civil Procedure; and;

WHEREAS, notice of the settlement was provided to members of the Settlement Class in accordance with Pennsylvania Rules of Civil Procedure 1714(c) and the requirements of due process, whereby class members have been afforded the opportunity to either recover a money payment under the settlement, exclude themselves from the settlement, or object to the settlement; and

WHEREAS, zero (0) individuals have excluded themselves from the settlement, and zero (0) individuals have objected to the settlement; and

WHEREAS, on July 22, 2019, this Court presided over a Fairness Hearing during which the opportunity to be heard was given to all persons requesting to be heard regarding the settlement; and

WHEREAS, the Court has carefully reviewed and considered the terms of the Settlement Agreement and all written submissions of the Parties and has carefully considered the representations of counsel during the July 22, 2019 Fairness Hearing.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. The Court, pursuant to Pennsylvania Rule of Civil Procedure 1714, **APPROVES** the Settlement Agreement as fair, reasonable, and adequate. In particular, the Court finds that the settlement is entitled to a presumption of fairness because: (a) the settlement has been arrived at by arm's length bargaining; (b) sufficient discovery has been taken or investigation completed to enable counsel and the Court to act intelligently; (c) the proponents of the settlement are

counsel experienced in similar litigation; and (d) no Class Members have objected to any terms of the settlement. Furthermore, this Court's consideration of the seven factors described by the Pennsylvania Supreme Court in *Dauphin Deposit Bank and Trust Co. v. Hess*, 727 A.2d 1076 (Pa. 1999), confirms that approval of the settlement is warranted. In particular, each of the following seven *Dauphin* factors weigh in favor of approving the settlement: (a) the risks of establishing liability and damages; (b) the range of reasonableness of the settlement in light of the best possible recovery; (c) the range of reasonableness of the settlement in light of all the attendant circumstances; (d) the complexity, expense, and likely duration of the litigation; (f) the state of proceedings and the amount of discovery completed; (g) the recommendations of competent counsel; and (h) the reaction of the class to the settlement.

2. The Court **APPROVES** the payment by Defendant of \$100,000.00 to settle this matter.

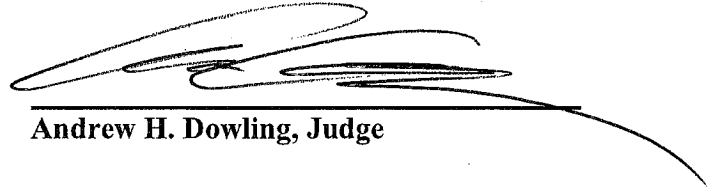
3. The Court **APPROVES**, pursuant to Pennsylvania Rule of Civil Procedure 1716, the award of \$33,000.00 to be paid pursuant to the Settlement Agreement to Class Counsel in full satisfaction of all claims by any Plaintiff, the Class Members, or Class Counsel for attorney's fees and/or costs in any way related to this action. In particular, the Court finds that the \$33,000.00 fee award is justified based on this Court's consideration of each of the five factors described in Rule 1716.

4. The Court **APPROVES** Plaintiff's request for a service award of \$5,000.00 for Named Plaintiff to be paid pursuant to the Settlement Agreement.

5. The Court retains jurisdiction over this action for the purpose of enabling any of the settling parties to apply to this Court for such further orders and directions as may be

necessary and appropriate for the construction, modification, or enforcement of the Settlement Agreement or this Order.

**BY THE COURT:**



**Andrew H. Dowling, Judge**

**JUL 22 2019**

I hereby certify that the foregoing is a true and correct copy of the original filed.



**Matthew R. Krupp**  
Prothonotary

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