

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Motion for Final Approval of Second Class Action Settlement came on for hearing
3 before this Court, the Honorable William F. Highberger, presiding, on July 26 and 28, 2023. The
4 Court having considered all papers submitted in support of the Motion, all objections, and oral
5 argument presented by the Parties and Participating Settlement Class Members, HEREBY
6 ORDERS THE FOLLOWING:

7 1. The Court has jurisdiction over the subject matter of this action, the Plaintiffs, the
8 Settlement Class as defined in the Second Class Action Settlement Agreement and Release filed
9 on February 27, 2023 (the “Second Settlement Agreement” or “Second Settlement”), and the
10 Defendant. Capitalized terms not otherwise defined in this Order shall have the definitions set
11 forth in the Second Settlement Agreement.

12 2. Pursuant to the Order Granting Preliminary Approval of Second Class Action
13 Settlement, the Class Notice was sent to each individual identified on the Notice List by first class
14 U.S. Mail and by email where an email address was available. The Class Notice informed each
15 member of the Settlement Class, including those who requested exclusion, of the terms of the
16 Second Settlement, their right to receive the benefits of the Second Settlement, their right to
17 object to the Second Settlement or to elect not to participate in the Second Settlement, and their
18 right to appear in person or by counsel at the Fairness Hearing and be heard regarding approval of
19 the Second Settlement. Adequate periods of time were provided by each of these procedures.
20 The Court finds and determines that this notice procedure afforded adequate protections to all
21 members of the Settlement Class including those who requested exclusion and provides the basis
22 for the Court to make an informed decision regarding approval of the Second Settlement based on
23 the responses of the Settlement Class. The Court finds and determines that the notice provided in
24 this case was the best notice practicable, which satisfied the requirements of law and due process.

25 3. There were 50 written objections submitted to the Second Settlement from
26 Settlement Class Members, and copies of the objections were filed (with redactions as to policy
27 numbers, addresses and financial information) as Exhibit 20 to the Declaration of Cameron R.
28 Azari, filed July 3, 2023. In addition, there were objections and comments made to the Court

1 from Participating Settlement Class Members during the hearing conducted on July 26, 2023. The
2 Court has read and considered all of the written and oral objections and overrules all of the
3 objections.

4 4. 274 individuals have submitted valid and timely requests for exclusion and those
5 who have requested exclusion are identified on Exhibit 1, hereto. Those individuals identified on
6 Exhibit 1, hereto, are not bound by the terms of the Second Settlement and preserve all their
7 rights, benefits and obligations including the benefits and obligations afforded by the CalPERS
8 LTC policy held by these individuals.

9 5. The Court grants final approval, for purposes of the Second Settlement only, of the
10 Settlement Class as defined in the Second Settlement Agreement.

11 6. The Court determines by separate Order the request by the Plaintiffs and Class
12 Counsel for Service Awards to Plaintiffs, the request by Class Counsel for an award of attorneys'
13 fees and costs and approval of the Settlement Administration expenses (collectively the "Class
14 Award").

15 7. The Court finds and determines that the Final Settlement Awards to be paid to the
16 members of the Settlement Class, as provided for by the Second Settlement Agreement, are fair
17 and reasonable. The Court hereby gives final approval to and orders the payment of those
18 amounts to be made by the Settlement Administrator to the Participating Settlement Class
19 Members within 120 days after the Final Settlement Date, which date is defined in Paragraph 1.20
20 of the Second Settlement Agreement. The Settlement Administrator is ordered to include with
21 each check a letter that informs the Participating Settlement Class Member of the process for
22 reissuance of checks and the ultimate disposition of uncashed checks as set forth in Paragraph 13
23 of this Order.

24 8. The Parties are hereby ordered to comply with the terms of the Second Settlement.

25 9. Nothing in this Order will preclude any action to enforce the Parties' obligations
26 under the Second Settlement or under this Order, including the requirement that CalPERS fund
27 the Second Settlement in accordance with the Second Settlement Agreement.

28 10. Pursuant to the Second Settlement, Participating Settlement Class Members, are

1 permanently barred from prosecuting the Released Claims against the Released Parties under the
2 Second Settlement.

3 11. Pursuant to the Second Settlement, the named Plaintiffs Holly Wedding, Eileen
4 Lodyga and Richard Lodyga only shall be deemed to have entered into a Section 1542 release of
5 claims as set forth in Paragraph 8.2 of the Second Settlement Agreement.

6 12. If the initial check to a Participating Settlement Class Member remains uncashed
7 for ninety (90) days after its issuance, the Settlement Administrator will send such class member
8 a reminder notice to request reissuance. Thereafter, pursuant to California Civil Procedure Code
9 section 384(b), within 365 days after the conclusion of the distribution of the Total Settlement
10 Amount, Class Counsel shall submit to the Court a report that identifies (i) the total amount of the
11 checks issued to and cashed by Participating Settlement Class Members; (ii) the total amounts
12 paid for administration of the Second Settlement and the Prior Settlement; (iii) the total amount
13 paid to Class Counsel and Plaintiffs; and (iv) the total amount of any funds that remain in the
14 Settlement Account. Within thirty (30) days after the report is filed with the Court, a hearing
15 shall be scheduled before the Court to confirm that the distribution of all funds associated with
16 any uncashed checks issued to Participating Settlement Class Members shall be made to the
17 CalPERS Long Term Care Fund. No later than thirty (30) days after the Court issues its Order
18 directing the distribution of all funds associated with any uncashed checks to the CalPERS Long
19 Term Care Fund, the Settlement Administrator shall send a final reminder notice to any
20 Participating Settlement Class Member of the transfer of the funds to the CalPERS Long Term
21 Care Fund. No later than thirty (30) days after the final reminder notices are sent, the Settlement
22 Administrator shall transfer all funds associated with any uncashed checks with appropriate
23 identifying information to the CalPERS Long Term Care Fund, which shall hold the funds
24 pending requests for them from the payees (or their authorized representatives), which requests
25 must be made within one year of the Order directing the distribution of them to the CalPERS
26 Long Term Care Fund. Any funds not claimed within that additional year revert to the CalPERS
27 Long Term Care Fund permanently. And, pursuant to California Code of Civil Procedure section
28 384(b), the Court will direct that any funds remaining in the Settlement Account in excess of

EXHIBIT 1

Number	Class Member
1	RUSSELL SIMONARO
2	CATHERINE MILES
3	LINDA CARDOSO
4	CAROL A VINDING
5	L PATRICK SCHROEDER
6	EDWARD FINDRICK
7	MARIE FINDRICK
8	BARBARA SCHROEDER
9	RALPH COBB
10	DORIS H MILES
11	MARY HENRY CHELEMEDOS
12	JANICE BUCKELEW
13	SHARON MCKINLEY
14	JANE BEACH
15	BERKELEY JOHNSON
16	ELIZABETH TANAKA
17	ELIZABETH STIEFELMAIER
18	MARY CLAPP
19	RUFUS CLAPP
20	MARIA PAJKUSZ
21	MELVIN BONNER III
22	PAMELA MAYERLE
23	MICHELE BRAATZ
24	FRED PIEGONSKI
25	MABLE COLEMAN
26	KERI BOTELLO
27	MICHAEL BOTELLO
28	KAREN FAWSON
29	JANET LUNDIN
30	RICHARD LUNDIN
31	KAREN GRIMLEY
32	JOSEPH DIAMOND
33	LEE MCNUTT
34	TOMSON ONG
35	SUSAN CARROLL
36	KAREN TAKAMINE
37	CHERYL WILLIAMS
38	RICHARD PRICE
39	LISA PRICE
40	GUSTAVO BENEDICTY
41	AMY BENEDICTY
42	MARK GRAHAM
43	DONALD RENETZKY
44	BETTY NICHOLS
45	JOY ADDIEGO

46	GARY ADDIEGO
47	WANDA HOUCHIN
48	JACK BATCHELOR JR
49	BETTY FONG
50	CHRISTA PIRA
51	BARBARA REESE
52	LEONA WILHELM
53	ANTONINO PIRA
54	CARMELA ADDIEGO
55	BENJAMIN SATO
56	JOANNE MEDWID
57	CAROLYN SCHICK
58	MARVIN SCHICK
59	MARGARET RICE
60	SONIA BANISCH
61	JAMES LOMBARDO
62	YOSHIE FUJIWARA
63	JANE MIZOUE
64	SHARON MARTIN
65	PAMELA TAYLOR
66	KENNETH TAYLOR
67	BEVERLY MATHIS
68	JACQUELINE L LEDERFINE
69	PAUL HANCHOCK
70	RUTHA GIBSON
71	CAROL DEVINCENZI
72	TERRY O'DAY
73	TERRENCE O'DAY
74	NANCY BARRAZA
75	KENNETH BYRD
76	JULIETTE PARKER
77	JAMES GOULART
78	DENISE GOULART
79	MICHAEL JENSEN
80	GERALD JOHNSON
81	KAREN JOHNSON
82	AKIRA SHIGENAGA
83	ALVIN JOE
84	CHARLENE JOE
85	CATHLEEN GUERNSEY
86	GEORGIA LAWYER
87	CHRISTINE GOLDIN
88	DORIS SHIGENAGA
89	GERALDINE MADDEN
90	DAVID GOLDIN
91	LAURIE CARDONI
92	KAREN KNOX

93	MARIANNE LEACH
94	THOMAS FOTOPULOS
95	TONI CERRUDO
96	JOSEPH ROMANAZZI
97	ELIZABETH ROMANAZZI
98	MARGIE ADAMS
99	STEPHEN SOUZA
100	STEVEN GALLAY
101	KAREN GALLAY
102	FRANKLIN MORRIS
103	MARILYN MORRIS
104	DONNA SMIRL
105	JANETTE HAMLIN
106	MARYANN ZAPOTOCKY
107	JANET LOWRY
108	JACQUELYN GREEN
109	KATHLEEN MCCORMICK
110	FREDA SUNAHARA
111	RONALD SUNAHARA
112	TERESA TIFT
113	CAROL CASTLE
114	SUSAN MINNOCK
115	JON MANJI
116	WAYNE TURNER
117	BOK HUI PHELON
118	DONNA WEBB
119	THOMAS TUTTLE
120	JOANN BANGS
121	SUSAN LANTOW
122	PETER LANTOW
123	BARBARA DIBBERN
124	MARY DULAN
125	TINA THOMAS
126	SANDRA COHEN
127	NANCY JACKSON
128	GRACECHIDAK WEI
129	DICKMAN LUM
130	CAROLYN NUNN-LUM
131	DONNA KOMURE TOYAMA
132	DIANE GARLOCK
133	TITUS TOYAMA
134	MASSOOD SEYEDIN
135	BARBARA HORIUCHI
136	ABAN SEYEDIN
137	JOE YABUMOTO
138	BARBARA LIND
139	VIVIAN YABUMOTO

140	WILLIAM MARCH
141	MARIESA NYMAN
142	ELAINE CHIAO
143	HERLINDA BELCHER
144	KATHY HSIEH
145	JENNY BUGNA
146	DORIS BOWEN
147	LORRAINE OGATA
148	WILLIAM KUHL
149	MARIA KUHL
150	MARY DELLIQUADRI
151	BARBARA MOON
152	DANIEL VARTY
153	ELIZABETH VARTY
154	RITA MILLER
155	FRANK MADDEN
156	BEVERLY DONG
157	LARRY WEINHOUSE
158	LOLA ADAMSON
159	LESTER ADAMSON
160	YUAN LIN
161	HUNG-CHI HSU
162	LYNN HANLON
163	MARK HANLON
164	RUTH DICKOVER
165	DORENE COTTER
166	ANTHONY NASH
167	ORALEE OTIS
168	SALLY WURTENBERG
169	MARY N HAZEYAMA
170	MICHAEL NEWELL
171	THUY NEWELL
172	MYRNA DURLAO
173	DENNIS GRAVES
174	ROSEMARY LUCIER
175	RAMONA MENDOZA
176	DESMOND WRIGHT
177	BARBARA WRIGHT
178	BEATRICE BRIGGS
179	DIANA THOMAS
180	MARY GRECO
181	RUDOLPH PADILLA
182	JUANITA PADILLA
183	CAROLYN FRUCHTENICHT
184	CEDRIC REESE
185	BARBARA REESE
186	KATHLEEN TANSLEY

187	CHARLES USSERY
188	PATRICIA NELSON
189	RAMONA USSERY
190	WILLIAM BRIGGS
191	BEVERLY YOKOI
192	STEVEN YOKOI
193	KIEN LO
194	CHRISTINE UMEDA
195	ROBIN UMEDA
196	NORMA BARRERO
197	JOSE GAYONDATO JR
198	WAYNE MASHIHARA
199	THUY DANG
200	STANLEY UMEDA
201	TIMOTHY MCNAMARA
202	ERIC HOUGESEN
203	VICTORIA METCALF
204	SHARON WALN
205	LYNN HUGGINS
206	MINORU TANAKA
207	DAVID HELM
208	VIRGINIA HELM
209	LYLE CREAMER
210	JEAN SATO
211	CONNIE CREAMER
212	LORETTA NAKAMURA
213	ALBERT NAKAMURA
214	ROSALIE TURBEVILLE
215	STEVE KAWAI
216	YUNG GOUGH
217	CHI-YEUNG SUEN
218	ANNIE SUEN
219	ELLEN JEFFREY
220	MARY PURCELL
221	DANA GOUGH
222	JOSEPH CHAN
223	CRAIG KONKLIN
224	MAUREEN O'CONNOR
225	EFREN REYES
226	ROSEMARIE REYES
227	REBECCA BRUEGGEMANN
228	ANNA HIE
229	THOMAS HIE
230	LYNN HARDWICK
231	CRAIG CHOWNING
232	JANET CACCIA
233	MARGARET MARTIN

234	RONALD EPPING
235	JAVIER CARRILLO-ROSAS
236	CAROLYN ELEY
237	ANNIE COX
238	MARY HUDSON
239	WILNA MEDDERS
240	ANN BRIGGS ADDO
241	THEOPHILUS ADDO
242	EMILE ROTH
243	MARIA CISNEROS
244	CARLOS CISNEROS
245	JANET KORLIAN
246	WILLIAM FISCHER
247	BETTY ALLEN
248	CAROLYN ALVES
249	PHILIP ALVES
250	CHERIE RAINFORTH
251	JOHN PATTEN
252	ANITA PATTEN
253	PATRICIA ROTH
254	CAROL FISCHER
255	HELEN FAJARDO
256	ISAO OSATO
257	MARION OSATO
258	BARBARA SOUKUP
259	SUSAN MILLER
260	JEANNE RICKELTON
261	LOIS LEMIRE
262	DIANA CLIFFORD
263	PEGGY D'ANGELO
264	PEGGY BRISTOL
265	CHARMION VANDRIE
266	JOSEPH LULA
267	THOMAS MOORSE
268	SANDRA GOLDSMITH
269	KATHY MOORSE
270	TINA RIOS
271	MARIE KLARICH
272	GINNY BATY
273	DAVID GEMMINGEN
274	ROBERT CAGLE