

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAT CASON-MERENDA and JEFFREY A.
SUHRE on behalf of themselves and others
similarly situated,

Plaintiffs,

v.

DETROIT MEDICAL CENTER, HENRY
FORD HEALTH SYSTEM, MOUNT
CLEMENS GENERAL HOSPITAL, INC., ST.
JOHN'S HEALTH, OAKWOOD
HEALTHCARE, INC., BON SECOURS
COTTAGE HEALTH SERVICES, WILLIAM
BEAUMONT HOSPITAL d.b.a. BEAUMONT
HOSPITALS, and TRINITY HEALTH CORP.,

Defendants.

Case No. 06-15601

Hon. Gerald E. Rosen

Magistrate: Donald A. Scheer

**ORDER GRANTING PRELIMINARY APPROVAL
OF SETTLEMENTS WITH OAKWOOD HEALTHCARE INC., WITH ST. JOHN
HEALTH, AND WITH BON SECOURS COTTAGE HEALTH SERVICES,
AND AUTHORIZING THE DISSEMINATION OF NOTICE**

Upon consideration of Plaintiffs' Motion For Preliminary Approval Of Settlement With Oakwood Healthcare Inc. (the "Oakwood Motion"), Plaintiffs' Motion For Preliminary Approval Of Revised Settlement With St. John Health (the "St. John Motion"), and Plaintiffs' Motion For Preliminary Approval Of Settlement With Bon Secours Cottage Health Services, (the "Bon

Secours Motion”)(collectively “the Motions”), and after hearing from the parties to those settlements at a hearing on March 5, 2010, it is hereby **ORDERED** as follows:

1. The Motions are **GRANTED**.
2. The Court finds that the settlement set forth in the Class Settlement Agreement And Release (“Oakwood Settlement Agreement”) between Plaintiffs Pat Cason-Merenda and Jeffrey A. Suhre, (collectively “Plaintiffs”), as representatives of a putative class of similarly situated registered nurses (as defined in paragraph 5 below), and Defendant Oakwood Healthcare Inc., attached as Exhibit 1 to the Oakwood Motion, subject to final determination following proper notice and a fairness hearing, is sufficiently fair, reasonable, and adequate to authorize dissemination of notice to the proposed Class.
3. The Court finds that the settlement set forth in the Settlement Agreement (“St. John Settlement Agreement”) between Plaintiffs Pat Cason-Merenda and Jeffrey A. Suhre, (collectively “Plaintiffs”), as representatives of a putative class of similarly situated registered nurses (as defined in paragraph 7 below), and Defendant St. John Health, attached as Exhibit A to the Declaration of Mark A. Griffin in Support of the St. John Motion, subject to final determination following proper notice and a fairness hearing, is sufficiently fair, reasonable, and adequate to authorize dissemination of notice to the proposed Class.
4. The Court finds that the settlement set forth in the Class Settlement Agreement And Release (“Bon Secours Settlement Agreement”) between Plaintiffs Pat Cason-Merenda and Jeffrey A. Suhre, (collectively “Plaintiffs”), as representatives of a putative class of similarly situated registered nurses (as defined in paragraph 7 below), and Defendant Bon Secours Cottage Health Services, attached as Exhibit A to the Declaration of Mark A. Griffin in Support of the

Bon Secours Motion, subject to final determination following proper notice and a fairness hearing, is sufficiently fair, reasonable, and adequate to authorize dissemination of notice to the proposed Class.

5. Pursuant to Rule 23 of the Federal Rules of Civil Procedure and in light of the proposed Settlement Agreement with Oakwood, the Court hereby preliminarily finds that the prerequisites for a class action have been met and certifies the following Settlement Class (the "Oakwood Settlement Class"):

All persons employed by any Defendant to work in a short-term acute care facility in the Detroit, Michigan Metropolitan Statistical Area as a Registered Nurse ("RN"), excluding RNs providing supervisory or managerial services, at any time from December 12, 2002 through December 12, 2006.

6. The Court finds that the certification of the Oakwood Settlement Class is warranted in light of the settlement because (a) the class is so numerous that joinder is impracticable; (b) Plaintiffs' claims present common issues and are typical of the Class; (c) Plaintiffs and Class Counsel (defined below) will fairly and adequately represent the Settlement Class; and (d) common issues predominate over any individual issues affecting the members of the Oakwood Settlement Class. The Court further finds that Plaintiffs' interests are aligned with the interests of all other members of the Oakwood Settlement Class. The Court also finds settlement of this action, with respect to Oakwood, on a class basis is superior to other means of resolving this matter.

7. Pursuant to Rule 23 of the Federal Rules of Civil Procedure and in light of the proposed Settlement Agreement with St. John Health and Bon Secours, the Court hereby

preliminarily finds that the prerequisites for a class action have been met and certifies the following Settlement Class (the "Bon Secours and St. John Settlement Class"):

All persons employed by any Defendant to work in a short-term acute care facility in the Detroit, Michigan Metropolitan Statistical Area as a Registered Nurse ("RN"), exclusive of supervisory, managerial or advanced practice nurses, at any time from December 12, 2002 through December 12, 2006.

8. The Court finds that the certification of the Bon Secours and St. John Settlement Class is warranted in light of the settlements because (a) the class is so numerous that joinder is impracticable; (b) Plaintiffs' claims present common issues and are typical of the Class; (c) Plaintiffs and Class Counsel (defined below) will fairly and adequately represent the Bon Secours and St. John Settlement Class; and (d) common issues predominate over any individual issues affecting the members of the Bon Secours and St. John Settlement Class. The Court further finds that Plaintiffs' interests are aligned with the interests of all other members of the Bon Secours and St. John Settlement Class. The Court also finds settlement of this action, with respect to St. John Health and to Bon Secours Cottage Health Services, on a class basis is superior to other means of resolving this matter.

9. The Court appoints the firms of Keller Rohrback L.L.P., Cohen Milstein Sellers & Toll, PLLC, and James & Hoffman, P.C. as Class Counsel and Stephen F. Wasinger, P.L.C. as Liaison Counsel for both the Bon Secours and St. John Settlement Class and the Oakwood Settlement Class (collectively "the Settlement Classes"), and appoints Pat Cason-Merenda and Jeffrey A. Suhre as Class Representatives for each of the Settlement Classes.

10. The Court approves the retention of Rust Consulting, Inc. to serve as Settlement Administrator.

11. Notice shall be provided to members of the Settlement Classes. The Court approves the form of the Legal Notice of Class Action Settlement (the "Notice"), in both long form and short form, submitted by the parties to these agreements upon the condition that the content of the Notice, including all dates, times, and addresses, substantially conforms to the requirements of this Order. The Court further finds that the mailing of the long form Notice and publication of the short form Notice in the manner set forth in paragraph 12 below constitutes the best notice practicable under the circumstances, as well as valid, due and sufficient notice to all persons entitled thereto and comply fully with the requirements of Federal Rule of Civil Procedure 23 and the due process requirements of the United States Constitution.

12. Plaintiffs shall cause the Notice, substantially in the form of Exhibit A attached hereto, to be mailed by first class mail, postage prepaid, on May 15, 2010 (referred to herein as the "Notice Date"), to all members of the Settlement Classes as identified by Defendants and publish a one-quarter (1/4)-page advertisement in the May 3, 2010 edition of the Midwest Edition of "Nursing Spectrum" magazine, substantially in the form of the approved short form Notice attached as Exhibit B hereto.

13. Plaintiffs shall identify and maintain a mailing address to receive requests from parties seeking to exclude themselves from the Settlement Classes. Plaintiffs must identify the address in the Notice prior to mailing any Notice pursuant to paragraph 12.

14. The Court will hold a hearing on final approval (the "Hearing") on Thursday, September 2, 2010, at 2:00 p.m. at the Theodore Levin United States Courthouse, Room 733, 231 W. Lafayette Blvd., Detroit, MI, 48226, to determine the fairness, reasonableness, and adequacy of the proposed settlements and whether the settlements should be finally approved

and a final judgment entered thereon. Any member of the Settlement Classes who follows the procedure set forth in the Notice may appear and be heard at this hearing. The hearing may be continued without further notice to the Settlement Classes.

15. Plaintiffs shall file with the Court and serve their motion for final approval of the settlement no later than 65 calendar days following the Notice Date.

16. All requests for exclusion from the Settlement Class shall be postmarked no later than 40 calendar days following the Notice Date, and shall otherwise comply with the requirements set forth in the Notice.

17. Any member of any of the Settlement Classes who wishes to object to the terms of a settlement must do so in a writing filed with the Court and served on Class Counsel and counsel for the appropriate settling defendant(s) no later than 20 calendar days prior to the Hearing, and shall otherwise comply with the requirements set forth in the Notice.

18. No later than ten calendar days before the date fixed by this Court for the Hearing, Class Counsel may file a response with the Court to any objections submitted pursuant to Paragraph 17 above.

19. Ten calendar days before the date fixed by this Court for the Hearing, Class Counsel shall file with the Court affidavits or declarations of the person under whose general direction the mailing of the Notice was made showing that mailing was made in accordance with this order.

20. After the Notice Date and within twenty-five (25) business days thereof, the Plaintiffs shall establish, place on line, and maintain a web site on the internet containing the documents and information set forth in the Settlement Agreements.

21. Class Counsel is authorized to pay the cost of providing notice to the Settlement Classes, taxes, tax expenses, and charges of the escrow agent from the Settlement Fund as they are incurred.

22. The litigation against Oakwood, against St. John Health, and against Bon Secours, is stayed except to the extent necessary to effectuate the Settlement Agreements.

DATED this 16th day of March, 2010.

s/Gerald E. Rosen
Honorable Gerald E. Rosen
Chief Judge, United States District Court

Presented by:
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