

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT  
DEPARTMENT

RECEIVED

\_\_\_\_\_ )  
MICH KAREN PIERRE LOUIS, Individually and )  
On behalf of all others similarly situated )  
others similarly situated, )  
) )  
Plaintiff, )  
) )  
v. )  
) )  
BAYADA HOME HEALTH CARE, INC., )  
DAVID BAIADA and J. MARK BAIADA, )  
Defendants. )  
\_\_\_\_\_ )

3/30/2022

Case No. 1981CV 01957

**JOINT MOTION FOR SECOND AMENDED ORDER  
PRELIMINARILY APPROVING SETTLEMENT AND PROVIDING NOTICE**

Plaintiff, Mich Karen Pierre Louis (“Plaintiff”) and Defendants BAYADA Home Health Care, Inc., David Baiada, and J. Mark Baiada (“Defendants”), by and through their undersigned counsel of record, hereby move for an order continuing the Final Approval Hearing until June 9, 2022, or a date thereafter which suits the Court.

On January 19, 2022, this Court issued an Amended Order Preliminarily Approving Settlement and Providing Notice (“Preliminary Approval Order”) that outlined certain deadlines that would enable the parties to effectuate notice to the Class Members in advance of the Final Approval Hearing. Consistent with that Order, within three (3) business days of the entry of the Preliminary Approval Order, BAYADA was to provide to the Notice Administrator the most current email addresses and mailing addresses it has for all Settlement Class members (“Settlement Class Information”). BAYADA endeavored in good faith to comply with this deadline; however,

due to unforeseen circumstances, BAYADA was unable to produce full and complete information regarding the Settlement Class Members. More specifically, BAYADA had systems issues that impacted its ability to export the contact information and the wage and hour data that was necessary to disseminate to the Notice Administrator.

BAYADA's counsel explained the situation to Plaintiff's counsel and the Notice Administrator. Both Plaintiff's counsel and the Notice Administrator were very understanding of the unforeseen issues that BAYADA experienced and worked diligently and cooperatively with BAYADA's counsel so that the appropriate data could be obtained to effectuate notice to the Class Members.

Fortunately, BAYADA was able to resolve its systems' issues and was able to furnish the Notice Administrator with the appropriate information to effectuate notice to the Class Members. Given the delay in generating the appropriate data, the Parties jointly request that this Court reschedule the Final Approval Hearing so that the Class Members may be afforded an objection period of 45 days. More specifically, the Parties jointly request that the Final Approval Hearing be scheduled on or after June 9, 2022, which will provide sufficient time for notice to be effectuated and for the Class Members to receive and review the notice and decide whether to object. To accomplish this, however, the Parties request that this Court set a new date certain for the Final Approval Hearing and provide the Zoom link information to counsel so that the Notice Administrator may include that information in the Class Notice.

Additionally, the Parties have amended Exhibit 1A to the Settlement Agreement, which provides individual Class members' settlement amounts to the nearest cent (instead of the whole dollar), which will comport with the settlement amounts that will be distributed to the Class Members.

The Parties have attached a proposed Order Preliminarily Approving Settlement and Providing Notice.

WHEREFORE, the Parties respectfully request that this Court enter the Second Amended Order Preliminarily Approving Settlement and Providing Notice which reschedules that Final Approval Hearing and approves the amended Schedule 1A to the Settlement Agreement.

Dated: March 30, 2022

Respectfully submitted,

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury, that on March 30, 2022, I caused copies of the foregoing Amended Joint Motion for Preliminary Approval of Settlement, Directing Notice to the Class, and Scheduling Final Settlement Hearing to be served via email upon counsel for Plaintiff as follows:

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*/s/ Thomas G. Collins* \_\_\_\_\_