

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

ARIANE ROSE VILLARIN, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

HEALTH CARE FACILITY
MANAGEMENT, LLC, d/b/a
COMMUNICARE FAMILY OF
COMPANIES, *et al.*,

Defendants.

Case No. 1:23-cv-00097-MRB-
SKB

ORDER GRANTING PRELIMINARY SETTLEMENT APPROVAL

Based on Plaintiff's Unopposed Motion (Doc. 88) for Preliminary Approval of the proposed class and collective action Settlement between Plaintiffs and Defendants, and good cause shown therein, Preliminary Approval, including Class Certification under Rule 23 and Conditional Collective Certification under the Fair Labor Standards Act ("FLSA") for settlement purposes only, is **GRANTED** as set forth below in accordance with Federal Rule of Civil Procedure 23, the FLSA, and other applicable law.

1. Certification for Settlement Purposes Only. Pursuant to Federal Rule of Civil Procedure 23, the Court certifies, for settlement purposes only, the following Settlement Class and Collective:

Settlement Class: All foreign-trained registered nurses sponsored by CommuniCare through the immigration process from February 17, 2013 through October 13, 2025.

Settlement Collective: All foreign-trained registered nurses sponsored by CommuniCare through the immigration process from February 17, 2013 through October 13, 2025, and

who opt into this action to pursue claims under the Fair Labor Standards Act.

The following individuals are excluded from the Settlement Class and the Settlement Collective: Jedkreisky Malabanan, Sherra May Vega, Mary Jhane Engnan, Jeddalyn Ramos, Jeffrey Banayat, and Arman Candelaria.

2. In connection with certification, the Court makes the following findings for settlement purposes only:

- a. The Settlement Class is so numerous that joinder of all members is impracticable;
- b. There are questions of law or fact common to the Settlement Class for purposes of determining whether this Settlement should be finally approved;
- c. The Class Representative's claims are typical of the claims being resolved through the proposed Settlement;
- d. The Class Representative and their counsel are capable of fairly and adequately protecting the interests of the Settlement Class Members in connection with the proposed Settlement;
- e. Common questions of law and fact predominate over questions affecting only individual persons in the Settlement Class, making the Settlement Class sufficiently cohesive to warrant settlement by representation; and
- f. Certification of the Settlement Class is superior to other available methods for the fair and efficient resolution of the claims of the Settlement Class.
- g. The requirements of [Fed. R. Civ. P. 23\(b\)\(2\)](#) are met because the relief agreed to is appropriate respecting the class as a whole.

h. Based on the preliminary showing of counsel, the Putative Settlement Collective Members are similarly situated for the purpose of notice.

3. Class Counsel. Kakalec Law PLLC, Katz Banks Kumin LLP, the Law Offices of Magen E. Kellam, P.A., Towards Justice, and The Law Firm of Shihab & Associates, Co., LPA are hereby **APPOINTED** as Class Counsel.

4. Class Representative. Ariane Rose Villarin is hereby **APPOINTED** Class Representative.

5. Preliminary Approval of the Settlement is warranted because the proposed settlement is within the range of reasonableness. The Court preliminarily finds the Settlement within the range of reasonableness based on:

- (a) the complexity, duration, and procedural posture of the Action;
- (b) the risks and costs of continued litigation;
- (c) the significant relief for Settlement Class Members;
- (d) the adequacy of representation Class Representative and Class Counsel provided;
- (e) the absence of fraud or collusion between the parties in reaching the Settlement;
- and
- (f) the equitable allocation of funds between class members.

6. Class Notice. The proposed notices are **APPROVED** for distribution in accordance with the Settlement Agreement. The parties are permitted to make non-substantive changes prior to distribution and posting, including to include applicable deadlines and contact information.

7. Atticus Administration LLC is **APPOINTED** as Settlement Administrator.

8. Opt-Outs, Opt-Ins, and Objections. Putative Settlement Class Members shall have the right to opt out or object to this Settlement pursuant to the procedures included in the Settlement

Agreement. Putative Collective Members shall have the right to opt into the FLSA portion of this Settlement. The deadline to opt in, opt out, or object is ninety (90) days from the sending of the Postcard Notice.

9. Neither the Settlement nor any exhibit, document, or instrument delivered thereunder shall be construed as a concession or admission by Defendants in any way that the claims asserted have any merit or that this Action was properly brought as a class or collective action, and shall not be used as evidence of, or used against Defendants as, an admission or indication in any way, including with respect to any claim of any liability, wrongdoing, fault or omission by Defendants or with respect to the truth of any allegation asserted by any person.

10. In the event the Settlement does not become effective in accordance with the terms of the Agreement, or the Settlement is not finally approved, or is terminated, canceled or fails to become effective for any reason, this Order shall be rendered null and void and shall be vacated, and the Parties shall revert to their respective positions as of before entering into the Agreement, and expressly reserve their respective rights regarding the prosecution and defense of this Action, including all available defenses and affirmative defenses, and arguments that any claim in the Action could not be certified as a class action and/or managed as a collective action.

11. Final Approval Hearing. A Final Approval Hearing is set for **July 8, 2026 at 1:00 PM EASTERN**, at the Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio 45202, Courtroom 109. The Court reserves the right to adjourn or continue the date of the final approval hearing and all dates provided for in the Agreement without further notice to Class Members or Collective Members, and retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

12. The Action is **STAYED** and all trial and any pre-trial dates are **VACATED**, subject to further orders of the Court at the Final Approval Hearing.

Dated: February 20, 2026

/s/ Michael R. Barrett
Michael R. Barrett
United States District Judge