UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY CENTRAL DIVISION AT LEXINGTON

HANNA ALBINA and AUSTIN WILLARD, individually and on behalf of others similarly situated, Plaintiffs, vs.))))	CIVIL ACTION NO. 5:20-cv-00496- JMH
THE ALIERA COMPANIES, INC., et al., Defendants.)	
Defendants.))	

JOINT STATUS REPORT

Pursuant to the Court's Order entered October 28, 2022 [D.E. 78], Plaintiffs Hanna Albina and Austin Willard and Defendant OneShare Health, LLC ("Unity") submit the following joint status report:

- 1. This matter was stayed in its entirety by Judge Hood, pending the termination of the automatic stay imposed upon the initiation of bankruptcy proceedings of defendant Trinity HealthShare, Inc. [D.E. 61.]
- 2. On November 4, 2021, Defendant Aliera was in default because it was no longer represented by counsel and its time to secure new counsel had expired. [D.E. 63, 70.] The Court entered default judgment against Aliera, which remains unrepresented by counsel and in default. [D.E. 72.]
- 3. The bankruptcy proceeding involving Trinity Healthshare (at the time of bankruptcy filing, known as Sharity Ministries, Inc.) resulted in confirmation of a plan on December 12, 2021, in the United States Bankruptcy Court for the District of Delaware [Case 21-11001-JTD, Doc. 343], and the formation of a liquidating trust, which is now in effect.

Confirmation "does not discharge this Debtor from any debt that arose before the date of the confirmation," *id.* at 24, but instead transfers the obligations to creditors of the liquidating trust.

- 4. The consolidated bankruptcy proceeding relating to Aliera is ongoing in the United States District Court for the District of Delaware [Case No. 21-11548], and the automatic stay afforded by 11 U.S.C. § 362 [D.E. 75] remains in place.
- 5. Plaintiffs and OneShare have continued to proceed toward a nationwide class settlement in *Duncan v. The Aliera Companies, Inc., et al.*, Case No. 2:20-CV-00867-TLN-KJN (E.D. Cal.), that, upon final approval, will resolve Plaintiffs' claims against OneShare in this case. On May 25, 2023, in *Duncan*, Plaintiffs, along with the named plaintiffs from the other actions, filed an unopposed motion to lift the stay, an unopposed motion to amend the complaint to effectuate settlement (to assert a nationwide class), and an unopposed motion for certification of a settlement class and for preliminary approval of the settlement. On June 14, 2023, in *Duncan*, Judge Troy Nunley of the Eastern District of California granted the plaintiffs' motion to lift the stay and motion to amend the complaint to effectuate settlement. On June 15, 2023, Judge Nunley granted the plaintiffs' motion for certification of a settlement class and for preliminary approval of the settlement.
- 6. Judge Nunley set a final approval hearing for January 11, 2024, and ordered the plaintiffs to move for final settlement approval and approval of attorneys' fees, litigation-expense reimbursements, and class-representative service awards by August 24, 2023.
- 7. Consistent with the terms of the settlement agreement, Plaintiffs and OneShare have agreed to jointly seek a continued stay of this action.
- 8. Good cause exists for continuing the stay of this case. If a settlement class is certified and the settlement is approved, then this case would be dismissed. As a result, Plaintiffs

and OneShare believe that this matter should continue to be stayed pending adjudication of the forthcoming motion for approval of the parties' settlement agreement.

Respectfully submitted,

COUNSEL FOR PLAINTIFFS

BY: <u>/s/Jerome P. Prather</u> (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/Robin E. McGuffin Counsel for OneShare Health, LLC