

Nina Wasow (CA Bar #242047)
Catha Worthman (CA Bar #230399)
FEINBERG, JACKSON,
WORTHMAN & WASOW LLP
2030 Addison Street, Suite 500
Berkeley, CA 94704
Tel. (510) 269-7998
nina@feinbergjackson.com
catha@feinbergjackson.com

Eleanor Hamburger, *Pro Hac Vice*
Richard E. Spoonemore, *Pro Hac Vice*
SIRIANNI YOUTZ
SPOONEMORE HAMBURGER PLLC
3101 Western Avenue, Suite 350
Seattle, WA 98121
Tel. (206) 223-0303
ehamburger@sylaw.com
rspoonemore@sylaw.com

[additional counsel listed on signature page]

Attorneys for Plaintiffs and Settlement Class

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CORLYN DUNCAN, et al.,

Plaintiffs,

v.

THE ALIERA COMPANIES, INC., f/k/a ALIERA
HEALTHCARE, INC., a Delaware corporation;
TRINITY HEALTHSHARE, INC., a Delaware
corporation; and ONESHARE HEALTH, LLC,
formerly known as UNITY HEALTHSHARE, LLC
and as KINGDOM HEALTHSHARE MINISTRIES,
LLC, a Virginia limited liability corporation,

Defendants.

Case No. 2:20-CV-00867-TLN-KJN

**PLAINTIFFS' PRELIMINARY
OMNIBUS REPLY IN SUPPORT OF
MOTIONS TO APPROVE
SETTLEMENT AND FOR
ATTORNEY FEES, COSTS AND
CLASS CONTRIBUTION AWARDS**

Hearing

Date: January 11, 2024

Time: 2:00 p.m.

Courtroom: 2

Hon. Troy L. Nunley

I. BACKGROUND

The Court entered an Amended Order preliminarily approving the class action settlement in this case on July 11, 2023. ECF No. 114. In accordance with paragraph 20 of that Order, Plaintiffs filed motions for final settlement approval and for approval of attorney fees, litigation expense reimbursements, and class representative service awards on August 24, 2023. ECF Nos. 115, 116. A link to the Motion for Attorney Fees has been posted to the Unity Settlement website, <https://www.symslaw.com/unitysettlement>. On September 14, 2023, BMC Group, Inc., the appointed class administrator, filed a declaration confirming its compliance with class notice procedures, as required by paragraph 11 of the Amended Order. *See* ECF No. 120. The deadline for submitting claims or opting out of the settlement is November 12, 2023. ECF No. 114, ¶19. The Court set January 11, 2024 as the final hearing on the motions.

The Amended Order provides that “[n]o later than October 8, 2023, or fourteen (14) days prior to the final approval hearing, Plaintiffs may file reply papers, if any.” ECF No. 114, ¶21. Accordingly, Plaintiffs submit this Preliminary Reply to inform the Court of the status of the claims process.

II. PRELIMINARY REPLY

There have been no objections filed to either the Motion for Final Approval of the Settlement or the Motion for Attorney Fees, Costs, and Case Contribution Awards. Defendant OneShare filed an Omnibus response to the motions supporting the settlement and taking no position on the Motion for Attorney Fees. ECF No. 119. To date, the claims administrator reports that it has received 996 claims and no opt outs. This robust and positive response supports the final approval of the settlement agreement. Plaintiffs will file a supplemental reply, along with a report prepared by the claims administrator regarding the number and dollar value of claims submitted, and will respond to objections, if any, on or before December 28, 2023.

1 DATED: October 9, 2023.

2 /s/ Richard E. Spoonemore

3 Richard E. Spoonemore, *Pro Hac Vice*
4 Eleanor Hamburger, *Pro Hac Vice*
5 SIRIANNI YOUTZ SPOONEMORE HAMBURGER PLLC
6 3101 Western Avenue, Suite 350
7 Seattle, WA 98121
8 Tel. (206) 223-0303
9 rspoonemore@sylaw.com
10 ehamburger@sylaw.com

11 Nina Wasow, CA Bar #242047
12 Catha Worthman, CA Bar #230399
13 FEINBERG, JACKSON, WORTHMAN & WASOW LLP
14 2030 Addison Street, Suite 500
15 Berkeley, CA 94704-2658
16 Tel. (510) 269-7998
17 nina@feinbergjackson.com
18 catha@feinbergjackson.com

19 Michael David Myers, *Pro Hac Vice*
20 MYERS & COMPANY PLLC
21 1530 Eastlake Avenue East
22 Seattle, WA 98102
23 Tel. (206) 398-1188
24 mmyers@myers-company.com

25 William H. Anderson, *Pro Hac Vice*
26 HANDLEY FARAH & ANDERSON PLLC
27 5353 Manhattan Circle, Suite 204
28 Boulder, CO 80303
Tel. (303) 800-9109
wanderson@hfajustice.com

James J. Varellas III, CA Bar #253633
VARELLAS & VARELLAS PLLC
360 East Vine Street, Suite 320
Lexington, KY 40507
Tel. (859) 252-4473
jayvarellas@varellaslaw.com

1 Jerome P. Prather, *Pro Hac Vice*
2 GARMER & PRATHER, PLLC
3 141 North Broadway
4 Lexington, KY 40507
5 Tel. (859) 254-9352
6 jprather@garmerprather.com

7 Cyrus Mehri, *Pro Hac Vice*
8 MEHRI & SKALET, PLLC
9 2000 K Street NW, Suite 325
10 Washington, DC 20006
11 Telephone: (202) 822-5100
12 cmehri@findjustice.com

13 *Attorneys for Plaintiffs and Settlement Class*