

1 Kathryn A. Stebner, State Bar No. 121088  
2 **STEBNER AND ASSOCIATES**  
3 870 Market Street, Suite 1212  
4 San Francisco, CA 94102  
5 Tel: (415) 362-9800  
6 Fax: (415) 362-9801

7 Guy B. Wallace, State Bar No. 176151  
8 **SCHNEIDER WALLACE**  
9 **COTTRELL KONECKY LLP**  
10 2000 Powell Street, Suite 1400  
11 Emeryville, CA 94608  
12 Tel: (415) 421-7100  
13 Fax: (415) 421-7105

14 [Additional counsel listed on service list]

15 Attorneys for Plaintiffs and the Proposed Class

16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA - OAKLAND**

18 June Newirth, by and through her Guardian  
19 ad Litem, Frederick J. Newirth; Barbara  
20 Feinberg; and Elizabeth Barber, Andrew  
21 Bardin, and Thomas Bardin as successors-in-  
22 interest to the Estate of Margaret Pierce; on  
23 their own behalves and on behalf of others  
24 similarly situated,

25 Plaintiffs,

26 vs.

27 Aegis Senior Communities, LLC, dba Aegis  
28 Living; and Does 1 Through 100,

Defendants.

CASE NO. **4:16-cv-03991-JSW**

**CLASS ACTION**

**PLAINTIFFS' NOTICE OF NON-  
OPPOSITION TO MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
SETTLEMENT**

Date: May 7, 2021

Time: 9:00 a.m.

Place: Courtroom 5, 2nd Floor

Judge: Hon. Jeffrey S. White

Action Filed: April 12, 2016

Trial Date: None Set

1 As the Court's docket for this matter reflects, no opposition to the Motion for Preliminary  
2 Approval of the Class Action Settlement was filed.

3 As discussed in Plaintiffs' Motion for Preliminary Approval, a key component of the class  
4 action settlement in this matter is the Stipulated Injunction. Concurrently with this Notice of Non-  
5 Opposition, Plaintiffs are filing the Declaration of Patrick Kennedy, Ph.D., which provides  
6 supplemental information pertaining to the calculated amount of avoided economic harm, or  
7 equivalently the benefit received, as a result the injunctive relief secured by this class action  
8 settlement.<sup>1</sup> Plaintiffs will rely on Dr. Kennedy's analysis to further support the overall fairness  
9 and reasonableness of the class action settlement and Plaintiffs' fee application. Dr. Kennedy's  
10 analytical approach for providing an economic valuation of injunctive relief in similar cases has  
11 been acknowledged by this Court and others, including in *Walsh v. Kindred Healthcare*, C 11-  
12 00050 JSW, 2013 WL 6623190, \*\*3-4, 2013 U.S. Dist. LEXIS 176319, \*12 (N.D. Cal. Dec. 16,  
13 2013).

14 Finally, the CAFA notice requirements pertaining to the California Action have been met  
15 through the services of CPT Group. As noted in Plaintiffs' Motion for Preliminary Approval,  
16 Defendant will ensure that the CAFA notice requirements for the Washington Action are met after  
17 the Court grants the Stipulated Motion for Leave to File Third Amended Complaint (which will be  
18 heard concurrently with the Motion for Preliminary Approval and will join the Washington Action  
19 to this matter) and the amended complaint is filed.

20 DATED: April 13, 2021

Respectfully submitted,

21 STEBNER AND ASSOCIATES

22 /s/ Kathryn A. Stebner

23 Kathryn Stebner

24 Attorneys for Plaintiffs and Proposed Class

25 <sup>1</sup> Presently, a redacted copy of Dr. Kennedy's declaration (Dkt. No. 203-3) will be filed pursuant  
26 to the parties' Stipulated Protective Order for Standard Litigation (Dkt. No. 80) and Civil Local  
27 Rule 79-5(e). Plaintiffs are concurrently filing an administrative motion to file Dr. Kennedy's  
28 declaration under seal (Dkt. No. 203).