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15 Attorneys for Plaintiffs and the Proposed Class

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF ALAMEDA

18 Donald Lollock, by and through his Guardian
19 ad Litem, Kathleen Lollock; Zareen Khan as
20 Executor for the Estate of Abdulwafi Khan;
21 Frank Pearson; Jo Ella Nashadka, by and
22 through her Guardian ad Litem, Lance
23 Anderson; and Jane Burton-Whitaker; on their
24 own behalves, and on behalf of others similarly
25 situated,

26 Plaintiffs,

27 vs.

28 Oakmont Senior Living, LLC; Oakmont
Management Group, LLC; and Does 1 - 100,

Defendants.

CASE NO. RG17875110

*ASSIGNED FOR ALL PURPOSES TO HON.
STEPHEN KAUS, DEPT. 19*

**[PROPOSED] ORDER APPROVING
AWARD OF ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS**

Date: January 20, 2021

Time: 3:00 p.m.

Dept: 19

Judge: Hon. Stephen Kaus

Reservation No.: R-2202161

1 **RECITALS**

2 **WHEREAS** Named Plaintiffs Donald Lollock, by and through his Guardian ad Litem,
3 Kathleen Lollock; Zareen Khan as Executor for the Estate of Abdulwafi Khan; Frank Pearson; Jo
4 Ella Nashadka, by and through her Guardian ad Litem, Lance Anderson; and Jane Burton-
5 Whitaker (collectively, “Plaintiffs”), on their own behalf and on behalf of others similarly situated,
6 and Defendants Oakmont Senior Living, LLC and Oakmont Management Group, LLC
7 (collectively, “Defendants”) have entered into a Stipulation of Settlement (“Settlement
8 Stipulation”), filed August 18, 2020, to resolve the-above referenced action (“Action”) after
9 substantial discovery and lengthy arms-length settlement discussion;

10 **WHEREAS** pursuant to California Rule of Court 3.769, Named Plaintiffs have filed a
11 Motion for Attorneys’ Fees, Costs, and Service Awards (“Fee Motion”), supported by declarations
12 from Class Counsel, Richard M. Pearl, Patrick Kennedy, and Named Plaintiffs;

13 **WHEREAS** the Fee Motion seeks approval of an award of attorneys’ fees, payable to
14 Class Counsel, under both the “lodestar” and common fund method, in the sum of \$3,500,000
15 (with an amount determined by the Court to be held back pending completion of the settlement
16 administration process);

17 **WHEREAS** the Fee Motion also seeks approval of payment to Class Counsel of their
18 combined costs in the amount of \$328,745.70, for litigation expenses they incurred to date;

19 **WHEREAS** the Fee Motion also requests approval of Service Awards in the amount of
20 Five-Thousand Dollars (\$5,000) to Donald Lollock, by and through his Guardian ad Litem,
21 Kathleen Lollock; Seven-Thousand-Five Hundred Dollars (\$7,500) to the Estate of Abdulwafi
22 Khan; Five-Thousand Dollars (\$5,000) to Frank Pearson; Seven-Thousand-Five Hundred Dollars
23 (\$7,500) to Jo Ella Nashadka, by and through her Guardian ad Litem, Lance Anderson; and Five-
24 Thousand Dollars (\$5,000) to Jane Burton-Whitaker (for a total of \$30,000 combined);

25 **WHEREAS** all capitalized terms used herein shall have the same meaning as set forth in
26 the Settlement Stipulation, concurrently filed with the Court;

27 **WHEREAS** this Court has jurisdiction over the subject matter of the Fee Motion and all
28 matters relating thereto, including all members of the Settlement Class; and

1 Settlement Administrator that the settlement administration process is complete and (2)
2 submission and approval of a final compliance status report after completion of the settlement
3 administration process, scheduled for hearing on _____, at _____.
4 Plaintiffs shall file the final compliance status report with the Court within thirty-five (35)
5 calendar days after all Settlement Awards have been paid to all Settlement Class Members. The
6 report shall include a declaration from the Settlement Administrator specifying the amounts
7 remaining in the Reserve Fund, if any. The Held Back Funds shall be segregated from the
8 Settlement Fund in a separate, interest-bearing trust account held by the Settlement Administrator.
9 Any accrued interest on the Held Back Funds shall be distributed to Class Counsel with the
10 principal once the conditions set forth in this paragraph have been satisfied.

11 **4. Percentage of Recovery:**

12 As a separate basis for the award, this Court finds that the award is reasonable under the
13 “percentage of recovery method.” Under the percentage of recovery method, the direct monetary
14 benefit to the Settlement Class is \$9.0 million, and the injunctive relief providing an additional
15 conservative value of over \$9 million, resulting in a benefit value of at least \$18 million. The
16 Court finds that a fee of approximately 19.4% of the total settlement value is reasonable and fully
17 supported by the declarations filed in support of the Fee Motion.

18 **5. Reimbursement of Litigation Expenses:**

19 The Court finds that the \$328,745.70 in costs Class Counsel incurred are reasonable and
20 should be approved, and accordingly, the Court Orders the payment of those costs out of the
21 Settlement Fund to reimburse Class Counsel.

22 **6. Service Award for Named Plaintiff:**

23 The Court finds that Named Plaintiffs are each entitled to the Service Awards sought. The
24 Court finds that such Service Awards are reasonable and justified by the records and should be
25 based upon the following: they spent significant time assisting and corresponding with Class
26 Counsel in a variety of ways detailed in Class Counsel’s declaration and Named Plaintiffs’
27 declarations; they overcame initial hesitations about becoming a class representative and made this
28 case possible when many other potential class representatives refused to step forward and

1 represent the class; and their sacrifices and contributions over three years have helped produce the
2 substantial benefits now being offered to the Settlement Class. Accordingly, the Court orders the
3 payment of Service Awards in the amount of Five-Thousand Dollars (\$5,000) to Donald Lollock,
4 by and through his Guardian ad Litem, Kathleen Lollock; Seven-Thousand-Five Hundred Dollars
5 (\$7,500) to the Estate of Abdulwafi Khan; Five-Thousand Dollars (\$5,000) to Frank Pearson;
6 Seven-Thousand-Five Hundred Dollars (\$7,500) to Jo Ella Nashadka, by and through her
7 Guardian ad Litem, Lance Anderson; and Five-Thousand Dollars (\$5,000) to Jane Burton-
8 Whitaker (for a total of \$30,000 combined) out of the Settlement Fund.

9 **IT IS SO ORDERED.**

10
11 DATED:

By: _____
HON. STEPHEN KAUS
JUDGE OF THE SUPERIOR COURT

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