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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

LORRAINE WALTERS, JENNIFER
THORNTON, AMPARITO
DOMINGUEZ, TAMERIA HARTLEY,
MARIEL JINN GARCIA, MARINA
MARTINEZ, TWINKLE TUTTLE,
MARIA SALDANA JONES, EUNICE
LEON, OSVALDO LEON, ELIZABETH
HARBERT, KYLE C. BURKARDT, and
CATALINA ROSALES, as individuals,
on behalf of themselves and on behalf of
all persons similarly situated,

Plaintiffs,

vs.

TOTAL RENAL CARE, INC., DAVITA,
INC., RENAL TREATMENT
CENTERS-CALIFORNIA, INC., DVA
RENAL HEALTHCARE, INC., DAVITA
HEALTHCARE PARTNERS, INC.,
VILLAGEHEALTH DM, LLC, AND
PATIENT PATHWAYS, LLC; and
DOES 1 through 50, inclusive,

Defendants.

CASE NO.: **34-2022-00319163-CU-OE-GDS**

**NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: February 7, 2025

Hearing Time: 9:00 a.m.

Reservation ID # **A-319163-001**

Judge: Hon. Lauri A. Damrell

Dept: 22

Date Filed: May 2, 2022

Trial Date: Not set

1 **TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 YOU ARE HEREBY NOTIFIED THAT at 9:00 a.m. on February 7, 2025 in
3 Department 22 at the above entitled Court before the Honorable Lauri A. Damrell, Plaintiffs
4 Lorraine Walters, Jennifer Thornton, Amparito Dominguez, Tamera Hartley, Mariel Jinn
5 Garcia, Marina Martinez, Twinkle Tuttle, Maria Saldana Jones, Eunice Leon, Osvaldo Leon,
6 Elizabeth H. Harbert, Kyle C. Burkardt, and Catalina Rosales (“Plaintiffs”) will apply for an
7 order: (1) preliminarily approving the proposed settlement of this class action with
8 Defendants Total Renal Care, Inc., DaVita, Inc., Renal Treatment Centers-California, Inc.,
9 DVA Renal Healthcare, Inc., DaVita Healthcare Partners, Inc., VillageHealth DM, LLC, and
10 Patient Pathways, LLC (“Defendants”); (2) for settlement purposes only, conditionally
11 certifying the Class, which is comprised of “all individuals who are or previously were
12 employed by Defendants who were classified as non-exempt in the State of California
13 during the Class Period”, which is May 7, 2019 through June 17, 2024; (3) provisionally
14 appointing Plaintiffs as the representatives of the Class; (4) provisionally appointing
15 Blumenthal Nordrehaug Bhowmik De Blouw LLP, Crosner Legal, P.C., Elkin Gamboa,
16 LLP, Kyle Todd, PC, Haines Law Group, APC, Szmanda Law Firm, P.C. and The Law
17 Office of Matthew J. Gustin, James Hawkins APLC, JCL Law Firm, APC, and Zakay Law
18 Group, APLC as Class Counsel; (5) approving the form and method for providing class-
19 wide notice; (6) directing that notice of the proposed settlement be given to the class; (7)
20 appointing Apex Class Action as Administrator, and (8) scheduling a final approval hearing
21 date, proposed for June 27, 2025 which is at least 120 days from preliminary approval, to
22 consider Plaintiffs’ motion for final approval of the settlement and for approval of attorneys’
23 fees and expenses.

24 This unopposed motion for preliminary approval of the class settlement is brought
25 pursuant to California Rules of Court, rule 3.769. Plaintiffs’ motion will be based on this
26 notice of motion and motion, the accompanying memorandum of points and authorities, the
27 Declaration of Kyle Nordrehaug, the Declaration of Paul Haines, the Declaration of
28 James Hawkins, the Declaration of Brett Szmanda, the Declaration of Michael Elkin, the

1 Declaration of Matthew Gustin, the Declaration of Shani Zakay, the Declaration of Jean-
2 Claude Lapuyade, the Declarations of the Plaintiffs, the Class Action and PAGA Settlement
3 Agreement (“Agreement”) between the Parties, and the complete files and records in this
4 action. Because all Parties have agreed to the proposed class settlement, this motion is not
5 opposed by Defendants.

6 Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits
7 of this matter by 2:00 p.m., the court day before the hearing. The complete text of the
8 tentative ruling may be downloaded off the court's website. If the party does not have online
9 access, they may call the dedicated phone number for the department as referenced in the
10 local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day
11 before the hearing and receive the tentative ruling. If you do not call the court and the
12 opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.

13 Respectfully submitted,

14 Dated: January 13, 2025

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

15 By: /s/ Kyle Nordrehaug
16 Kyle R. Nordrehaug, Esq.
17 Attorney for Plaintiffs
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