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16 Attorneys for Plaintiff
Dakota Medical, Inc., dba
17 Glenoaks Convalescent Hospital

18 UNITED STATES DISTRICT COURT

19 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

20 DAKOTA MEDICAL, INC.,
21 individually, and on behalf of all others
similarly situated,

22 Plaintiff,

23 v.

24 REHABCARE GROUP, INC., *et al.*,

25 Defendants.

Case No.: 1:14-cv-02081-DAD-BAM

Hon. Dale A. Drozd

Declaration of M. Dean Cranwell,
American HealthCare, LLC, in
Support of Plaintiff's Motions for
Final Approval of Class Settlement
and Certification of Settlement Class

[Fed. R. Civ. P. 23]

Date: Sept. 7, 2017
Time: 9:30 A.M.
Courtroom: 5

1 I, M. Dean Cranwell, declare:

2
3 1. I am In-house Counsel at American HealthCare, LLC (“AHC”), which
4 operates 17 affiliated assisted living and skilled nursing and rehabilitation centers in
5 Virginia (“AHC facilities”). I am authorized to submit this declaration on AHC’s
6 behalf and on behalf of AHC facilities. I understand certain AHC facilities are
7 members of the settlement class in this lawsuit and are entitled to receive a share of
8 the settlement fund. I make this declaration in support of the motion to approve the
9 settlement, the motion for class counsel to recover attorneys’ fees and costs, and
10 plaintiff’s request for an incentive award. I have personal knowledge of the
11 following facts, and could testify competently thereto if called as a witness in this
12 action.

13
14 2. I have been In-house Counsel for AHC since October 1996. The AHC
15 facilities are located in Virginia. As In-house Counsel, my responsibilities include
16 overseeing and managing all legal matters that may impact AHC Facilities. AHC
17 operates 17 skilled nursing and rehabilitation centers.

18
19 3. I have received notice that 12 of our facilities were subscribers of
20 telephone numbers that had been sent fax advertisements promoting “Polaris Group”
21 products and services. AHC did not agree to receive these faxes, nor, to the best of
22 my knowledge, did anyone at the facilities. AHC facilities do not like or consent to
23 these types of unsolicited faxes because they tie up business fax machines and
24 unnecessarily waste paper toner, and other resources, including AHC facilities
25 employees’ time.

26
27 4. The AHC facilities may have thrown most of these faxes away as junk
28 mail, but I understand settlement administrator will nevertheless be able to

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1 5. The AHC facilities support the proposed class settlement. I understand from
2 the class notice that Defendants agreed to create a \$25 million common fund for the class's
3 benefit. I understand that the law provides for minimum statutory damages of \$500 per
4 violation, but that despite a two-year litigation that wasn't possible to obtain in settlement.
5 Yet the class is still receiving fair, reasonable, and adequate compensation because it is
6 likely that few, if any, of the class members kept copies of junk faxes they received.
7 Under the circumstances, I believe the overall settlement and AHC facilities' recovery are
8 excellent.

9
10 6. I also understand that attorneys' fees will be paid from the class recovery,
11 and that the class attorneys are seeking (1) one third of the fund for attorneys' fees, (2)
12 reimbursement of expenses, and (3) a \$15,000 incentive award for the class representative.
13 If requests are granted, I understand that the 12 AHC facilities that are class members are
14 still projected to collectively receive over \$21,500. (See Schedule A). This will be a
15 significant award for these facilities. AHC and AHC facilities fully support the requested
16 fees, reimbursement, and incentive award because we believe the request is fair and the
17 class lawyers and class representative obtained an excellent recovery. The fee request
18 generally lines up with how we pay outside counsel on contingency, based on my
19 knowledge of contingent fee work. In fact, my understanding is that a higher percentage is
20 usually paid in contingency cases that are litigated through settlement or trial.

21
22 7. Overall, I appreciate class counsel's and plaintiff's efforts in this case. In
23 fact, the AHC facilities would not have filled out class member information forms
24
25
26
27
28

1 and W-9s without the assistance of class counsel. It was helpful that counsel
2 reached out to me directly to assist in presenting the forms on behalf of the AHC
3 facilities. I have been working with class counsel to make sure we submit them
4 within the deadline. The result for AHC and the settlement administration have both
5 been exemplary.

6
7 I declare under penalty of perjury under the laws of the United States that the
8 foregoing is true and correct.

9
10 Executed this 31st day of July 2017 at Roanoke, VA.

11
12
13 
14 M. Dean Cranwell

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