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18 **UNITED STATES DISTRICT COURT**

19 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

20 DAKOTA MEDICAL, INC.,  
individually, and on behalf of all others  
21 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 Lucy Kazanjian  
Grayson 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, Lucy Kazanjian Grayson, declare:

2  
3 1. I am President of the Board of Directors of the California Armenian  
4 Home, and am authorized to execute this declaration on its behalf. We have  
5 received notice that certain the California Armenian Home is a member of the  
6 settlement class in this lawsuit and are entitled to receive a share of the settlement  
7 fund. I make this declaration in support of the motion to approve the settlement, the  
8 motion for class counsel to recover attorneys' fees and costs, and plaintiff's motion  
9 for incentive award. I have personal knowledge of the following facts, and could  
10 testify competently thereto if called as a witness in this action.

11  
12 2. The California Armenian Home was founded in 1952 to provide a  
13 home for Fresno residents that could no longer care for themselves. After opening  
14 with 30 beds, the home has grown to maintain 120 skilled nursing beds and 30  
15 residential units in a family-oriented environment.

16  
17 3. For at least the past several years the California Armenian Home has  
18 held telephone number (559)251-5766, which has been dedicated to sending and  
19 receiving facsimile communications. Since at least 2010 we have received at our  
20 facsimile machine numerous advertisements promoting products and services  
21 offered by "Polaris Group." To the best of my knowledge, we did not agree to  
22 receive these faxes. We do not like or consent to these types of unsolicited faxes  
23 because they tie up our fax machine and unnecessarily waste paper, toner, and other  
24 resources, including our employees' time.

25  
26 4. To the best of my knowledge, we have not kept any Polaris Group fax  
27 ads. I have been informed, however, that records produced in this lawsuit show that  
28 we received 300 such faxes from 2010 to 2014.

1           5.     The California Armenian Home supports the proposed class settlement  
2 and encourages the Court to approve it. I understand from the class notice that the  
3 defendants will establish a \$25 million fund, which we will share with over 12,000  
4 other recipients of Polaris Group junk faxes. I believe the settlement provides  
5 reasonable compensation because we did not keep copies of the junk faxes, and I  
6 believe it is unlikely that many other class members kept copies of them. I also  
7 believe the settlement avoids the risks that continued litigation would produce no  
8 recovery at all. Under the circumstances, I believe the overall settlement and our  
9 recovery are excellent.

10  
11           6.     I also understand that attorneys' fees will be paid from the class  
12 recovery, and that the class attorneys are seeking one third of the fund as their fees  
13 and reimbursement of their expenses. I also understand that the named plaintiff,  
14 Dakota Medical, is requesting a \$15,000 award for its service as class  
15 representative. If these requests are granted, I understand that the California  
16 Armenian Home would receive about \$2,100 from the settlement. We support the  
17 requested fees, reimbursement, and incentive award because we believe the requests  
18 are fair and the class lawyers and class representative obtained an excellent  
19 recovery. I appreciate class counsel's and plaintiff's efforts in this case.

20  
21           I declare under penalty of perjury under the laws of the United States that the  
22 foregoing is true and correct.

23  
24           Executed this 27th day of July 2017 at Fresno, California.

25  
26             
27           \_\_\_\_\_  
28           Lucy Kazanjian Grayson