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16 Glenoaks Convalescent Hospital

17 **UNITED STATES DISTRICT COURT**

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

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

21 Plaintiff,

22 v.

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

24 Defendants.
25
26
27
28

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

Hon. Dale A. Drozd

**Notice of Motion and Motion For Award
of Attorneys' Fees and Reimbursement
of Reasonable Expenses**

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

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1 **To All Parties and Their Respective Attorneys of Record:**

2

3 **Please Take Notice** that on September 7, 2017, at 9:30 A.M., in Courtroom 5 of the
4 above entitled Court, located at 2500 Tulare Street Fresno, CA 93721, or as soon thereafter
5 as counsel may be heard by the Honorable Dale A. Drozd, class representative Dakota
6 Medical, Inc., dba Glenoaks Convalescent Hospital and class counsel will petition the
7 above captioned Court for orders: (1) awarding as attorneys’ fees payable to class counsel
8 the sum of \$8,333,333, an amount equal to one third of the \$25,000,000 settlement fund
9 established by the Class Action Settlement Agreement in this case, for the benefits
10 conferred upon the class; (2) approving reimbursement of reasonable expenses incurred by
11 class counsel in the amount of \$137,840.54 (including an expense reserve of \$1,200), in
12 connection with the case; (3) apportioning payment of the awarded fees to class counsel in
13 amounts consistent with their co-counsel agreement; and (4) directing that these amounts
14 be paid when and in the manner provided in Section 5. A of the Class Action Settlement
15 Agreement.

16

17 This motion will be made on the grounds that (1) class counsel created a common
18 fund that confers a substantial benefit upon the class and are entitled to recover their
19 attorneys’ fees from the fund; (2) attorneys’ fees in the amount of \$8,333,333 is reasonable
20 under the circumstances; and (3) costs incurred by class counsel were necessary for the
21 proper prosecution of the case and were reasonably incurred.

22

23 This motion is based on the accompanying Memorandum of Points and Authorities;
24 the declarations in support of this motion and Final Approval; the Class Action Settlement
25 Agreement; and on such further briefs and argument of counsel that will be received before
26 or during the hearing on the motion.

27

28

1 DATED: August 1, 2017

PAYNE & FEARS LLP

2 By: /s/ C. Darryl Cordero
3 C. DARRYL CORDERO

4 Attorneys for Plaintiff Dakota Medical, Inc.,
5 dba Glenoaks Convalescent Hospital

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1 **Proof of Service**

2 **R. Fellen, Inc., et al., vs. RehabCare Group, Inc., et al.**
3 **United States District Court, Eastern District of California (Sacramento Division)**
4 **Case No. 1:14-cv-02081-DAD-BAM**

5 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

6 At the time of service, I was over 18 years of age and **not a party to this**
7 **action**. I am employed in the County of Los Angeles, State of California. My
8 business address is 1100 Glendon Avenue, Suite 1250, Los Angeles, CA 90024.

9 On August 1, 2017, I served true copies of the following document(s)
10 described as **Notice of Motion and Motion For Award of Attorneys' Fees and**
11 **Reimbursement of Reasonable Expenses** on the interested parties in this action as
12 follows:

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14 Erin K. Kolmansberger
15 Melissa Jill Gomberg
16 Kimberly Freedman
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*Counsel for Defendant, Cannon &
Associates*

28 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed
the document(s) with the Clerk of the Court by using the CM/ECF system.
Participants in the case who are registered CM/ECF users will be served by the
CM/ECF system. Participants in the case who are not registered CM/ECF users will
be served by mail or by other means permitted by the court rules.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct and that I am employed in the office
3 of a member of the bar of this Court at whose direction the service was made.

4 Executed on August 1, 2017, at Los Angeles, California.

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6 Patricia David

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