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16 Attorneys for Plaintiff Dakota Medical, Inc., dba
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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
Incentive Fee Award for Services as
Class Representative**

Date: Sept. 7, 2017

Time: 9:30 A.M.

Courtroom: 5

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, will petition the above captioned
7 Court to (1) approve a \$15,000 incentive award pursuant to Federal Rule of Civil
8 Procedure 23 and the Court’s April 19, 2017, Order Granting Motion for Preliminary
9 Approval of Class Action Settlement and (2) direct that these amounts be paid when and in
10 the manner provided in Section 5.C of the Class Action Settlement Agreement.

11
12 This motion will be made on the grounds that:

- 13
- 14 • The Court may approve an incentive award to compensate Glenoaks for its
15 representation of the class ; and
 - 16 • The requested \$15,000 award is reasonable in light the litigation’s exemplary
17 achievements and the considerable time Glenoaks devoted to this matter over
18 the course of more than two years from the initiation of the complaint
19 through settlement.

20
21
22 This motion is based on the accompanying Memorandum of Points and Authorities;
23 the Declarations of Henry LeVine, class counsel, and certain class members; the Class
24 Action Settlement Agreement; and on such further briefs and argument of counsel that will
25 be received before or during the hearing on the motion.

PAYNE & FEARS LLP
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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

6 (Incentive Fee) Notice of Motion 4846-4807-0731 v.1.docx

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Proof of Service

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

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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

On August 1, 2017, I served true copies of the following document(s) described as **Notice of Motion and Motion for Incentive Fee Award for Services as Class Representative** on the interested parties in this action as follows:

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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.

I declare under penalty of perjury under the laws of the United States of

1 America that the foregoing is true and correct and that I am employed in the office
2 of a member of the bar of this Court at whose direction the service was made.

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

4 
5 _____

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