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15
16 **UNITED STATES DISTRICT COURT**

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

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

20 Plaintiff,

21 v.

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

23 Defendants.
24
25
26
27
28

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

Judge: Hon. Dale A. Drozd

**Notice of Motion and Plaintiff's Motion
for Approving Additional Class
Distributions**

Date: September 5, 2018

Time: 9:30 A.M.

Courtroom 5

1 PLEASE TAKE NOTICE that on September 5, 2018, commencing at 9.30 A.M., in
2 Courtroom 5 at the Robert E. Coyle Federal Courthouse, 2500 Tulare Street, Fresno,
3 California, 93721, Plaintiff Dakota Medical, Inc., dba Glenoaks Convalescent Hospital,
4 will move for entry of an order approving additional class distributions. The motion seeks
5 an order directing settlement administrator KCC, LLC, to do the following:

- 6
- 7 1. Within 21 days of the Court's order, distribute \$3,786,536.89 to 6,311 class
8 members that have not provided valid taxpayer identification numbers to KCC,
9 and include in the distribution a notice that payment has been limited to \$599.99
10 due to the members' failure to provide a valid taxpayer identification number
11 and a form for the member to provide a valid taxpayer identification number;
- 12
- 13 2. Within 21 days of the Court's order, redistribute \$1,004,797.29, the amount
14 represented by checks not cashed in Distributions 1A, 1B, and 2A, to all class
15 members that cashed checks in the initial distribution, and to calculate payments
16 to each member in accordance with paragraph 3.B of the Class Action
17 Settlement Agreement (ECF No. 171);
- 18
- 19 3. Include in the redistribution referenced in paragraph 2 members that cashed at
20 least one check in Distribution 1B or Distribution 2A; and
- 21
- 22 4. No later than May 1, 2019, report to the Court concerning the results of those
23 distributions and provide an accounting of funds then remaining in the class
24 settlement fund.
- 25

26 This motion is based on Plaintiff's Status Report and Memorandum of Points and
27 Authorities filed concurrently with this motion, the Class Action Settlement Agreement
28 (ECF No. 171), the Court's final approval order (ECF No. 189), the Declaration of

Proof of Service

**Dakota Medical, Inc. vs. RehabCare Group, Inc., et al.
United States District Court, Eastern District of California (Fresno 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 400 Continental Blvd., Suite 600, El Segundo, CA 90245.

On August 3, 2018, I served true copies of the following document(s) described as **Notice of Motion and Motion for Approving Additional Class Distribution** 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.

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

3 Executed on August 3, 2018, at Los Angeles, California.

4
5 _____ /s/ Arlene S. Comstock _____
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