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FILED
ALAMEDA COUNTY
DEC 22 2015
CLERK OF THE SUPERIOR COURT
By: [Signature] Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

Bonita Regina and Robert Chazin, on their own behalf and on behalf of others similarly situated,

Plaintiffs,

vs.

Hycare, Inc.; Pratap Poddatori; Shattuck Health Care, Inc.; Sanhyd, Inc.; Red Bluff Health Care, Inc.; San Leandro Health Care Center, Inc.; Willow Pass Health Care Center, Inc.; Piedmont Properties, LLC; Red Bluff Properties, LLC; SLC Properties, LLC; Callan Properties, LLC; Carleton Properties, LLC; and DOES 1 THROUGH 100,

Defendants.

Case No. RG12647573
~~PROPOSED~~ ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT
ASSIGNED FOR ALL PURPOSES TO:
Judge: Wynne Carvill
Dept.: 21
Date: December 18, 2015
Time: 9:00 a.m.
Reservation No.: R-1690997

Having read and considered the parties' Settlement Agreement and plaintiff's motion for preliminary settlement approval, and the exhibits thereto, IT IS HEREBY ORDERED:

1. This Order hereby incorporates by reference the definitions of the Settlement Agreement, and all terms used herein shall have the same meaning as set forth in the Settlement Agreement. In the event of any inconsistency, however, the terms of this Order shall control.

1 2. For purposes of settlement only, and in accordance with the standards set forth in
2 *Dunk v. Ford Motor Company*, 48 Cal. App. 4th 1794 (1996), the Court preliminarily certifies this
3 litigation as a class action and preliminarily certifies the Settlement Class, which include all of the
4 following persons (excluding persons who timely opt-out of the settlement):

5 2.1 Resident Class Members, who are all persons who resided at one or more of
6 the Defendant Facilities at any time from and including September 12, 2008 through and
7 including November 1, 2015 (the Settlement Class Period). Current Residents are Resident
8 Class Members who reside in a Defendant Facility as of the Class Notice Date. Former
9 Residents are Resident Class Members who left a Defendant Facility prior to the Class
10 Notice Date.

11 2.2 Successor Class Members, who are defined as:

12 (a) all persons who are named as a beneficiary in the will or living trust of any
13 Resident Class Member who is deceased as of the Claim Bar Deadline; or

14 (b) if there was no will or living trust, then:

15 1. The surviving spouse or domestic partner of the Resident Class
16 Member.

17 2. If none of the above, the child of the Resident Class Member, or
18 child of a pre-deceased child of the Resident Class Member.

19 3. If none of the above, the surviving parent of the Resident Class
20 Member.

21 4. If none of the above, the sibling of a Resident Class Member, or a
22 child of a pre-deceased sibling of the Resident Class Member.

23 5. If none of the above, the grandparent of a Resident Class Member,
24 or a child or grandchild of the pre-deceased grandparent of the Resident Class
25 Member.

26 3. The Court finds that the requirements of California Code of Civil Procedure
27 section 382 have been satisfied and the Court has made a preliminary determination that the
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1 above-captioned plaintiffs ("Named Plaintiffs") are adequate class representatives of the
2 Settlement Class.

3 4. The following firms are approved as Class Counsel to represent the Settlement
4 Class: Stebner and Associates, Law Offices of Michael D. Thamer, The Arns Law Firm, Dentons
5 US LLP, and Janssen, Malloy LLP. Any Settlement Class Member may enter an appearance in
6 this lawsuit, at his or her own expense, either individually or through counsel of their own choice.
7 However, if they do not enter an appearance, they will be represented by Class Counsel.

8 5. The Court hereby preliminarily approves the settlement as set forth in the
9 Settlement Agreement as falling within the range of a settlement that may be granted final
10 approval.

11 6. The Court hereby approves Gilardi & Co. LLC as the Settlement Administrator.

12 7. A Final Approval Hearing shall be held on APRIL 15, 2016 at 9:00
13 ~~before the Honorable Wynne Carvill~~ ^{A.M.} in Department 21 of the Alameda Superior Court located at
14 1221 Oak Street, Oakland, CA 94612. The purpose of the Final Approval Hearing will be to
15 determine whether: (a) the proposed Settlement Agreement should be finally approved by the
16 Court as fair, reasonable and adequate; (b) any objections to the settlement should be granted or
17 overruled; (c) the Fees and Expense Payment that Class Counsel seeks should be approved in the
18 amounts requested; d) the Service Payment to Named Plaintiff should be approved in the amount
19 requested; and (e) the Final Approval Order and Judgment should be entered.

20 8. The Court hereby approves the form and content of the Class Notice (long and
21 summary forms), Claim Form and Probate Code declaration, copies of which are attached
22 collectively hereto as Exhibit 1.

23 9. On or before ten (10) calendar days after this Order is signed, Settling Defendants
24 shall provide the Settlement Class Member List (as defined in the Settlement Agreement) to the
25 Settlement Administrator, to the extent such information is within Settling Defendants'
26 possession, custody or control. The Settlement Administrator shall not disclose or use any of the
27 information provided, other than as necessary to complete its obligations under the Settlement
28 Agreement and this Order.

1 10. Within thirty (30) days of the filing date of this Order, the Settlement Administrator
2 shall mail the Class Notice to all Settlement Class Members for whom addresses can be
3 reasonably located in accordance with the procedures set forth in this Order. The Claim Form shall
4 be included with the Class Notice mailed to those Settlement Class Members who are required to
5 submit a Claim Form, and shall also be posted on the settlement website. Both prior to the Class
6 Notice mailing and any re-mailing for notices returned as undeliverable, the Settlement
7 Administrator shall update addresses for Settlement Class Members using appropriate procedures,
8 including without limitation, utilizing the National Change of Address database and skip traces.

9 11. Within thirty (30) days of the filing date of this Order, the Settlement Administrator
10 shall also provide for publication of the Summary Class Notice in one notice to be published in a
11 weekday California edition of USA Today.

12 12. The Court finds that dissemination of the Class Notice in the manner set forth in
13 this Order meets the requirements of California Code of Civil Procedure section 382, California
14 Rule of Court 3.769(f) and due process, and further constitutes the best notice practicable under
15 the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

16 13. Any Settlement Class Member may request exclusion from the Settlement Class by
17 sending a Request for Exclusion to the Settlement Administrator by mail as set forth in the
18 Settlement Agreement. In order to be valid, the Request for Exclusion must be postmarked no later
19 than sixty (60) days after the Class Notice Date. If the Settlement Class Member submits a valid
20 and timely Request for Exclusion, such person shall have no rights under the Settlement
21 Agreement, will not be entitled to any benefits pursuant to the Settlement Agreement and will not
22 be bound by the Settlement Agreement, this Order, or the Final Approval Order and Judgment.

23 14. Any Settlement Class Member who wishes to object to all or any part of the
24 proposed settlement, including the request by Class Counsel for approval of the Fees and Expense
25 Payment, must do so in writing. Settlement Class Members may also appear at the Final Approval
26 Hearing, either in person or through an attorney at their own expense, provided they notify the
27 Court of their intent to do so. The Settlement Class Member shall include any legal support he or
28 she wishes to bring to the Court's attention and any evidence the Settlement Class Member wishes

1 to introduce in support of the objection. All written objections, supporting papers and/or notices
2 of intent to appear at the Final Approval Hearing must (a) clearly identify the case name and
3 number (*Bonita Regina et al v. Hycare, Inc. et al*, case number RG12647573), (b) be filed or
4 postmarked no later than 60 days after the Class Notice Date; (c) submitted to the Court either by
5 mailing to Department 21 of the Superior Court of California, County of Alameda, Administration
6 Building at 1221 Oak Street, Oakland, CA 94612, or by filing in person at any location of the
7 Superior Court, County of Alameda that includes a facility for civil filings; and (d) also mailed to
8 the law firms identified below at the following addresses:

9 To Class Counsel:

10 Kathryn A. Stebner
11 STEBNER AND ASSOCIATES
12 870 Market Street, Suite 1212
13 San Francisco, CA 94102
14 Tel: 415.362.9800
15 Fax: 415.362.9801

16 To counsel for Settling Defendants:

17 Sean Cowdrey
18 BEACH, COWDREY, OWEN LLP
19 500 E. Esplanade Drive, Suite 1400
20 Oxnard, CA 93036
21 Tel: 805.388.3100
22 Fax: 805.388.3414

23 15. Only Settlement Class Members who have timely submitted or filed properly
24 completed written notices of their intent to appear will be entitled to be heard at the Final
25 Approval Hearing unless the Court orders otherwise. Any Settlement Class Member who does not
26 make his or her objection in the manner provided for herein shall be deemed to have waived such
27 objection and shall forever be foreclosed from making any objection to the fairness or adequacy of
28 the proposed settlement or to the award of the Fees and Expense Payment, unless otherwise
ordered.

29 16. All papers in support of the motion for final approval of the Settlement Agreement
30 and the motion for approval of the Fees and Expense Payment shall be filed not later than forty-
31 five (45) days after the Class Notice Date. Any opposition papers to the final approval motion or
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1 fee application shall be filed not later than fourteen (14) days before the Final Approval Hearing.

2 Any reply papers shall be filed not later than five (5) days before the Final Approval Hearing.

3 17. The Court reserves the right to adjourn the date of the Final Approval Hearing
4 without further notice to Settlement Class Members, and retains jurisdiction to consider all further
5 applications arising out of or connected with the proposed Settlement Agreement.

6 18. Pending the Court's ruling at the Final Approval Hearing, the Named Plaintiffs
7 shall not institute or prosecute any of the matters referenced as Released Claims in the Settlement
8 Agreement.

9 19. Neither the Settlement Agreement, nor any of its terms or provisions, nor any of the
10 negotiations or proceedings connected with it shall be construed in any other lawsuit as an
11 admission or concession by Settling Defendants of the truth of any of the allegations in the Action,
12 or of any liability, fault or wrongdoing of any kind.

13 20. The Settlement Administrator shall establish a website to facilitate the notice and
14 claims administration process in this case, which website shall include copies of the Settlement
15 Agreement, Class Notice, Claim Form, Probate Code declaration, and Preliminary Approval
16 Order. The website location shall be included in the Class Notice.

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IT IS SO ORDERED.

Dated: Dec. 22, 2015



Hon. Wynne Carvill
Judge of the Superior Court

USW 805313420.1

Exhibit 1

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT (Long Form)

This notice pertains to the settlement of a class action lawsuit entitled *Bonita Regina et al v. Hycare, Inc. et al*, case number RG12647573, Superior Court for the State of California, County of Alameda (the "Lawsuit"). The Settlement Class includes Resident Class Members, which are all persons who resided in one or more of the California Facilities listed below at any time between September 12, 2008 and November 1, 2015 (the "Settlement Class Period"), and Successor Class Members, who are all persons named as a beneficiary in a will or living trust of a deceased Resident Class Member, or if there was no will or living trust and depending on the circumstances, may be the surviving spouse, domestic partner, child, parent, sibling, grandchild, grandparent or other relative of a deceased Resident Class Member. Resident Class Members include "Current Residents" (meaning persons who resided in a Facility on the Class Notice Date) and "Former Residents."

If you have questions, or to confirm whether you are a Settlement Class Member, please contact the Settlement Administrator at _____, or go to _____ [insert website].

Kyakameena Sanatorium, Elmwood Care Center, Red Bluff Health Care Center,	San Leandro Health Care Center, Willow Pass Health Care Center, Jones Convalescent Hospital.
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The Lawsuit asserts claims against Hycare, Inc., the licensees of the above-referenced Facilities, and others (collectively "Defendants").

WHAT IS THE LAWSUIT ABOUT?

Plaintiff alleges that Defendants failed to meet California's nurse staffing requirements during the Settlement Class Period. Defendants deny these allegations. After multiple mediation sessions the parties agreed to settle the Lawsuit. The Court has preliminarily approved the settlement and this notice.

WHAT ARE THE KEY SETTLEMENT TERMS?

1. **Settlement Fund.** Defendants have agreed to pay \$3,000,000; the ("Settlement Fund"), which will cover all of Defendants' monetary obligations under the settlement, including the Cash Payments, the Service Payments, the Fees and Expenses Payment and the Settlement Administration Costs, all of which are described below.

2. **Cash Payments.** Cash Payments will be made to Eligible Settlement Class Members (any current residents of the Facilities plus any other Settlement Class Member that timely submits a claim form). The Cash Payments shall be calculated by dividing the total cash funds available for distribution to the Settlement Class by the estimated number of Resident Class Members. Thus, for illustration purposes, if the total cash funds available for distribution to the Settlement Class is approximately \$1.5 million, and the estimated number of Resident Class Members is 7,500, then the estimated minimum Cash Payment to each Resident Class Member (or his/her successor) would be approximately \$200. **To obtain a payment, Former Residents and Successor Class Members must mail a completed claim form (described below) that is post-marked no later than _____ to [insert address].**

3. **Injunction:** Pursuant to a Court-ordered injunction, Enjoined Defendants will comply with applicable nurse staffing requirements and, in addition, ensure that the Facilities are staffed between 3.3 to 3.4 Nursing Hours Per Patient Day (NHPPD), or above. The Injunction will become effective on the date the Final Approval Order is signed and will remain in place for two and one-half years thereafter. A court-approved Monitor will oversee compliance with the Injunction. Defendants will pay all Monitoring Costs (up to \$80,000).

4. **Releases:** In exchange for these benefits, Settlement Class Members will be releasing all claims under Health and Safety Code section 1430(b), Title 22 California Code of Regulation section 72327, Health and Safety Code section 1599.1(a), Health and Safety Code section 1276.5, the Consumers Legal Remedies Act and California's Unfair Competition Law, based on the acts and omissions alleged in the Action only. Claims for personal injuries, elder abuse, wrongful death, or Health and Safety Code section 1430(b) claims not expressly based on violations of Health and Safety Code sections 1276.5, 1599.1(a) or 22 CCR section 72327 are specifically excluded from the Lawsuit and settlement. By releasing these claims, you will be giving up important rights and benefits, so you may wish to consult with your own attorney regarding participation in the settlement.

5. **Other Terms:** Subject to Court approval, the following payments will be made from the Settlement Fund: Service Payments not to exceed \$6,000 to each of the two named plaintiffs, Settlement Administration Costs estimated at \$110,000, attorneys' fees not to exceed one-third of the total value of the Injunction and Monetary Payment (estimated to be approximately \$2.0 million), litigation costs not to exceed \$100,000. If funds remain after payments to the Settlement Class and the above-referenced items, monies may be distributed to the California Advocates for Nursing Home Reform, or other charitable or non-profit entity approved by the Court.

FINAL SETTLEMENT APPROVAL

The Court has set the date for hearing on the motion for final settlement approval and the approval of Plaintiff's fee and cost application and approval of the service payments to the named class representatives for April 15, 2016, at 9:00 a.m. (the "Final Approval Hearing"). The Final Approval Hearing will occur in Department 21 of the Superior Court of California, County of Alameda, Administration Building at 1221 Oak Street, Oakland, CA 94612.

WHO REPRESENTS THE CLASS?

The Court has appointed Stebner and Associates, Law Offices of Michael D. Thamer, The Arns Law Firm, Dentons US LLP, and Janssen Malloy LLP to serve as "Class Counsel."

Any attorneys' fees awarded to Class Counsel are paid from the Settlement Fund and not by individual Class Members.

WHAT ARE YOUR OPTIONS?

If you wish to remain a Class Member, here is what you need to do. To obtain a Cash Payment, if you are a Former Resident or Successor Class Member, you must complete and mail a claim form **post-marked on or before _____ to _____**. Claim forms are available at [insert website] or by calling [insert number]. **If you are a Current Resident, you will receive a Cash Payment directly without the need to submit a claim form.** If the Court approves the settlement and you have submitted a timely and complete claim form you will be mailed a check. Before cashing the check, however, you should consider whether the receipt of settlement funds will impact your eligibility for Medi-Cal or other benefits. Information regarding this issue is available by visiting [insert website]. You will be legally bound by all orders and judgment of the Court, and you will not be able to sue, or continue to sue the Defendants for the claims released.

If you do not want to remain a Class Member, you may choose to exclude yourself from the Lawsuit by mailing an opt-out request post-marked by _____ to _____. For opt-out instructions, visit [insert website] or call [insert number]. If you opt-out, you will not receive any settlement payment. However, you will retain your right to sue the Defendants for any claims you may have and will not be bound by any Court orders or judgments.

If you wish to remain a Settlement Class Member but object to the proposed settlement, you must notify the Court and Counsel for the Parties of your intent to do so. Any objections to the proposed settlement must be in writing. You may also appear at the Final Approval Hearing, either in person or through an attorney at your own expense, provided you

notify the Court of your intent to do so. All written objections, supporting papers and/or notices of intent to appear at the Final Approval Hearing must (a) clearly identify the case name and number (Bonita Regina et al v. Hycare, Inc. et al, case number RG12647573); (b) be submitted to the Court either by mailing to Department 21 of the Superior Court of California, County of Alameda, Administration Building at 1221 Oak Street, Oakland, CA 94612, or by filing in person at any location of the Superior Court, County of Alameda that includes a facility for civil filings; (c) must also be mailed to the law firms identified below; and (d) **must be post-marked on or before _____**,

Stebner and Associates
c/o Kathryn A. Stebner
870 Market Street, Suite 1212
San Francisco, CA 94102
(415) 362-9800
Class Counsel

Beach, Cowdrey, Owen LLP
c/o Sean Cowdrey
500 E. Esplanade Drive, Suite 1400
Oxnard, CA 93036
(805) 388-3100
Defendants' Counsel

HOW CAN YOU GET MORE INFORMATION?

This notice summarizes the Settlement Agreement only. To obtain the complete Settlement Agreement, you may go online at [insert website].

The pleadings and other records in this litigation, including the Settlement Agreement, may be examined online on the Alameda County Superior Court's website, known as 'DomainWeb,' at <https://publicrecords.alameda.courts.ca.gov/PRS/>. After arriving at the website, click the 'Search By Case Number' link, then enter RG12647573 as the case number and click 'SEARCH.' Images of every document filed in the case may be viewed through the 'Register of Actions' at a minimal charge. You may also view images of every document filed in the case free of charge by using one of the computer terminal kiosks available at each court location that has a facility for civil filings.

Field Cod

IF YOU HAVE ANY OTHER QUESTIONS, please contact the Settlement Administrator at _____, or go to _____ [insert website].

PLEASE DO NOT CONTACT THE COURT.

By order of the Honorable Wynne Carvill, Superior Court of California,
County of Alameda.

**CLASS NOTICE (Short Form)
LEGAL NOTICE**

Bonita Regina et al v. Hycare, Inc. et al, Case No. RG12647573
Superior Court for the State of California, County of Alameda

IF YOU OR A LOVED ONE RESIDED AT ANY OF THE ASSISTED LIVING FACILITIES LISTED BELOW (“Facilities”) AT ANY TIME BETWEEN SEPTEMBER 12, 2008 AND NOVEMBER 1, 2015, YOU MAY BE ENTITLED TO MONEY FROM A CLASS ACTION SETTLEMENT.

Kyakameena Sanatorium	San Leandro Health Care Center
Elmwood Care Center	Willow Pass Health Care Center
Red Bluff Health Care Center	Jones Convalescent Hospital

WHAT IS THIS LAWSUIT ABOUT?

This is a class action lawsuit involving claims that Hycare, Inc., the licensees of the Facilities listed above, and others (collectively, “Defendants”) failed to meet California’s nurse staffing requirements between September 12, 2008 and November 1, 2015 (the “Settlement Class Period”). In a class action, one or more individuals called Plaintiffs file suit on behalf of others with similar claims, called “the Class or “Class Members.” In this matter, Plaintiffs represent individuals—as well as their beneficiaries and survivors—who resided in one of the Facilities during the Settlement Class Period. Defendants deny Plaintiffs’ allegations. The parties have agreed to settle the lawsuit. The Court has preliminarily approved the settlement and directed the publication of this notice. Read on for a summary of the settlement and your rights in the litigation.

WHO IS A CLASS MEMBER?

The Settlement Class consists of Resident Class Members, who are all persons who, at any time between September 12, 2008 and November 1, 2015, resided in one or more of the California Facilities listed above, and Successor Class Members, who are the legal beneficiaries or successors of deceased Resident Class Members. For more detail on the Settlement Class definition, please see the full notice at [website] or contact the Settlement Administrator at [phone].

WHAT ARE THE KEY SETTLEMENT TERMS?

Cash Settlement Fund: Defendants have agreed to provide a total settlement fund of \$3 million. Subject to court approval, the amount remaining after deducting two \$6,000 Service Payments, a Fees and Expenses Payment (which shall not exceed one-third of the value of the Injunction and Settlement Fund, i.e., estimated \$2 million), and Settlement Administration Costs (estimated at \$110,000) will be used to make Cash Payments to Resident and Successor Settlement Class Members. **To obtain a payment, Resident Class Members who no longer reside at a Facility (“Former Residents”) and Successor Class Members must file a valid claim postmarked by [date].** If funds remain after deducting the above-referenced items and making payments to the Settlement Class, monies may be distributed to California Advocates for Nursing Home Reform or other charitable or non-profit organization approved by the Court.

Injunctive Relief: Subject to Final Approval, Enjoined Defendants will comply with applicable nurse staffing requirements and, in addition, ensure that the Facilities are staffed between 3.3 to 3.4 Nursing Hours Per Patient Day (NHPPD), depending on the facility.

WHO REPRESENTS THE CLASS?

The Court has appointed Stebner and Associates, Law Offices of Michael D. Thamer, The Arns Law Firm, Dentons US LLP, and Janssen Malloy LLP to serve as "Class Counsel." Any attorneys' fees awarded to Class Counsel are paid from the Settlement Fund and not by individual Class Members. If you wish to hire your own attorney, you may do so at your own expense.

WHAT ARE YOUR OPTIONS?

Receive a Cash Payment. If you are a Settlement Class Member who resided in a Facility as of November 1, 2015, you will receive a Cash Payment directly without the need to submit a claim form. **If you are a Settlement Class Member and Former Resident or Successor Class Member, you must complete and mail a claim form post-marked on or before [date] to [address].** Claim forms are available at [website] or by calling [number]. If you remain a Settlement Class Member, regardless of whether you file a claim, you will be legally bound by all orders and judgment of the Court, and you will not be able to sue, or continue to sue the Defendants for the claims released. For more information on the release, please see the full notice available at [website].

Exclude yourself. If you do not want to remain a Settlement Class Member, you may exclude yourself from the Lawsuit by following the instructions found at [website] or call [number]. If you exclude yourself, you will not receive any settlement payment but you will retain your right to sue the Defendants for any claims you may have and will not be bound by any Court orders or judgments. Your exclusion request must be submitted by [date] to be valid.

File an Objection. If you are a Settlement Class Member, you can object to the settlement if you do not like any part of it. You may also ask to speak at the Final Approval Hearing. Please see the full notice for detailed instructions on how to file an objection. Your objection must be submitted no later than [date].

FINAL SETTLEMENT APPROVAL

The Court will have a Final Approval Hearing on April 15, 2016, at 9:00 a.m. to determine whether to approve the settlement and Plaintiff's application for fees and costs and the Service Payments. The hearing date may be changed by the Court without notice to the Settlement Class. Please check [website] for updates.

HOW CAN YOU GET MORE INFORMATION?

This notice is a summary only. The complete Settlement Agreement is available at [website].

The pleadings and other records in this litigation, including the Settlement Agreement, may be examined online on the Alameda County Superior Court's website, known as 'DomainWeb,' at <https://publicrecords.alameda.courts.ca.gov/PRS/>. After arriving at the website, click the 'Search By Case Number' link, then enter RG12647573 as the case number and click 'SEARCH.' Images of every document filed in the case may be viewed through the 'Register of Actions' at a minimal charge. You may also view images of every document filed in the case free of charge by using one of the computer terminal kiosks available at each court location that has a facility for civil filings.

IF YOU HAVE ANY OTHER QUESTIONS, please contact the Settlement Administrator at [phone] or go to [website]. PLEASE DO NOT CONTACT THE COURT.

By order of the Honorable Wynne Carvill, Superior Court of California, County of Alameda.

[IDENTIFICATION OF CASE AND ADMINISTRATOR]

CLAIM FORM

[PRE-PRINTED NAME, ETC.]

The Court has entered the Preliminary Approval Order in the class action lawsuit entitled *Bonita Regina et al v. Hycare, Inc. et al*, case number RG12647573, in the Superior Court for the State of California, County of Alameda. If you are a current resident you do not need to complete this form. If you are a former resident or are claiming on behalf of a former resident as a successor to a resident, you must complete this Claim Form to be eligible to receive cash benefits under the Settlement Agreement. You must also sign this Claim Form where indicated and mail it to the address listed below no later than _____ . Claim Forms that are postmarked after that date will not be accepted.

- 1. **Settlement Class Member:** If you are a former resident of a facility named in the Notice, please provide the information below.

_____, _____, _____ Zip Code
Address City State
() _____ () _____
Daytime Telephone Number Evening Telephone Number

- 2. **Representative(s) of Settlement Class Member:** If you are submitting this Claim Form on behalf of a resident or former resident of a named facility, please complete the following:

Name(s), Address, Phone Number(s) and Representative Capacity(ies) of Claimant(s), if other than Class Member:

a. _____ Representative Capacity
Name
_____, _____, _____ Zip Code
Address City State
() _____ () _____
Daytime Telephone Number Evening Telephone Number

b. _____ Representative Capacity
Name
_____, _____, _____ Zip Code
Address City State
() _____ () _____
Daytime Telephone Number Evening Telephone Number

c. _____
 Name Representative Capacity

 Address City State Zip Code

(____) _____ (____) _____
 Daytime Telephone Number Evening Telephone Number

If there are more than three (3) Representatives of Settlement Class Members, a separate sheet of paper may be attached.

In addition, if you are submitting this Claim Form on behalf of a Settlement Class Member who is deceased, you must complete the enclosed Declaration and submit it with this Claim Form. You can go to the website at _____ [insert website name] to help you with the Declaration. If you do not have access to the website to get information regarding your Successor-In-Interest claim, call the Administrator at _____ [insert number].

3. **Certification:**

I/we hereby certify that I have read the Notice of Proposed Class Action Settlement. I/we hereby certify that I or the Settlement Class Member, as the case may be, was a resident at one or more of the Skilled Nursing Facilities listed in the Notice of Proposed Class action Settlement during the Class Period.

I/we hereby certify that the statements and information set forth above are true and correct.

Dated: Signed: _____

Dated: Signed: _____

Dated: Signed: _____

4. **Mail Claim Form:**

Mail your completed Claim Form **and, if applicable, the Declaration and a copy of the deceased Settlement Class Member's death certificate**, using the self-addressed, postage prepaid envelope that is enclosed, to the following address:

[name, address, etc.]

NOTE: CLAIM FORM AND ALL OTHER APPLICABLE FORMS AND ENCLOSURES MUST BE POSTMARKED NO LATER THAN _____

IF YOU MOVE OR CHANGE YOUR MAILING ADDRESS, IT IS YOUR RESPONSIBILITY TO SEND THE CLAIMS ADMINISTRATOR YOUR NEW ADDRESS AND CONTACT INFORMATION TO ENSURE RECEIPT OF FURTHER NOTICES AND ANY SETTLEMENT PAYMENT.

[IDENTIFICATION OF CASE AND ADMINISTRATOR]

NOTE: ONLY COMPLETE AND RETURN THIS FORM IF THE CLASS MEMBER IS DECEASED

DECLARATION UNDER PROBATE CODE §13100 ET. SEQ.

Name of Deceased Class Member: _____

I/we, _____,
hereby declare:

The following is set forth of my own personal knowledge, and if called upon to testify thereto, would do so competently.

1. _____ died on _____, 20__, in the County of _____, State of _____.
2. At least 40 days have elapsed since the death of the decedent, as shown by the **attached copy of the decedent's death certificate.**

If less than 40 days have elapsed since the death of the decedent, please contact the Claim Administrator at _____ [insert number]

3. Check one:
 - a. No proceeding is now being or has been conducted in California for the administration of the decedent's estate.

OR

- b. The decedent's personal representative has consented in writing to the payment, transfer, or delivery to the affiant or declarant of the property described below, and a **copy of the consent and of the personal representative's letter is attached to this affidavit.**

4. The current gross fair market of the decedent's real and personal property in California, excluding the property described in Section 13050 of the California Probate Code, does not exceed one hundred and fifty thousand dollars (\$150,000). (To see what property is excluded, see the website at _____ [insert website address].)

If the value of the Deceased Class Member's property exceeds \$150,000 please contact the Claim Administrator at _____.

An explanation regarding the applicable California Probate Code sections can be found on the Claim Administrator Website at _____ [insert website address]

5. The property to be transferred, delivered, or paid to the declarant under the provisions of California Probate Code section 13100 is the decedent's cash payment pursuant to the settlement in the class action lawsuit entitled *Bonita Regina et al v. Hycare, Inc. et al,*

Alameda Superior Court Case Number RG12647573,

6. The successor(s) of the decedent, as defined in Probate Code section 13006. (Generally successors-in-interest are such people as the surviving spouse, children, parents or brothers and sisters. For a complete list, see the website at _____ [insert website address].) is/are:

a. _____

b. _____

c. _____

7. Check one:

a. The undersigned declarant is the successor of the decedent (as defined in Section 13006 of the California Probate Code, generally the spouse, children, parents or brothers and sisters) with respect to the decedent's interest in the above described property. (To see who is a successor-in-interest, see the website at _____ [insert website address].)

OR

b. The undersigned declarant is authorized under Section 13051 of the California Probate Code (Generally, this is a guardian, conservator, trustee, custodian, foreign personal representative, or attorney in fact) to act on behalf of the successor of the decedent (as defined in Section 13006 of the California Probate Code) with respect to the decedent's interest in the above described property. (To see who is a guardian, conservator, trustee, custodian, foreign personal representative, or attorney in fact, see the website at _____ [insert website address].)

8. No other person has a superior right to the interest of the decedent in the described property.

9. The undersigned declarant requests that the described property be paid, delivered, or transferred to the declarant.

I/we declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Dated: _____ Signed: _____

Dated: _____ Signed: _____