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26 Attorneys for Plaintiffs and the Class

27 UNITED STATES DISTRICT COURT
28 CENTRAL DISTRICT OF CALIFORNIA

1 Audrey Heredia as successor-in-interest
2 to the Estate of Carlos Heredia; Amy
3 Fearn as successor-in-interest to the
4 Estate of Edith Zack; and Elise Ganz,
5 as successor-in-interest to the Estate of
6 Helen Ganz; on their own behalves and
7 on behalf of others similarly situated,

8 Plaintiffs,

9 vs.

10 Sunrise Senior Living, LLC; Sunrise
11 Senior Living Management, Inc.; and
12 Does 2 - 100,

13 Defendants.

CASE NO. 8:18-cv-1974-JLS (JDEx)

**SECOND SUPPLEMENTAL
DECLARATION OF
CHRISTOPHER J. HEALEY IN
SUPPORT OF PLAINTIFFS'
MOTION FOR
REIMBURSEMENT OF
LITIGATION COSTS**

Date: November 8, 2024
Time: 10:30 a.m.
Place: Ctrm. 8A, 8th Fl.
Judge: Hon. Josephine L. Staton

1 I, Christopher J. Healey, hereby declare,

2 1. I am an attorney duly licensed to practice before all the courts of the
3 State of California and am a member in good standing of the State Bar of
4 California. I am a partner in the law firm of Dentons US LLP (“Dentons”) and am
5 one of the Class Counsel in the above captioned matter (the “Action”). This
6 Second Supplemental Declaration responds to the supplemental objection asserted
7 by Lisa Gold on or about November 20, 2024 regarding Plaintiffs’ request for
8 reimbursement of advanced litigation costs and expenses. Unless otherwise
9 indicated, I have personal knowledge of the facts set forth herein. If called upon to
10 testify, I could and would do so competently.

11 2. Ms. Gold’s supplemental objection primarily addresses the expert
12 witness/consultant charges initially paid by the Marks Balette firm, for which
13 Marks Balette was subsequently reimbursed by other Class Counsel. Those charges
14 generally relate to the expert analysis of Sunrise’s facility staffing, which was an
15 integral part of Plaintiffs’ case prosecution. Marks Balette had lead responsibility
16 for interfacing with the experts and consultants who conducted (or supported) the
17 staffing analysis.

18 3. Attached as **Exhibit 1** to this Declaration is a summary of the invoices
19 and payment requests received by the Marks Balette firm from the expert
20 witnesses/consultants who provided services pertaining to the analysis of Sunrise’s
21 facility staffing. Exhibit 1 includes the following information:

22 **Date.** This is the date of the invoice or request for payment from the expert
23 witness/consultant received by the Marks Balette firm. For some entries, multiple
24 invoices or requests are combined under one date.

25 **Name.** This is the name of the expert witness or consultant who provided the
26 services rendered.

27 **Memo.** This is a brief description of the services rendered.
28

1 **Amount Allocated.** This is the portion of the staffing analysis
2 expert/consultant charge allocated to the Sunrise case.

3 4. With respect to the Amounts Allocated, Class Counsel used their best
4 judgment as to what portion of the expert/consultant charges should be fairly
5 applied to the Sunrise case. For certain items, the charges were allocated equally
6 between the four assisted living class actions prosecuted by Class Counsel (Sunrise,
7 Aegis California, Aegis Washington and Oakmont). As settlements were reached
8 in those cases, the allocation percentage was adjusted accordingly. Also, for some
9 items, the Sunrise allocation amounts reflect shared expert/consultant charges with
10 other assisted living cases that the Marks Balette firm was handling, given the
11 overlapping benefit with the Sunrise case.

12 5. Based on my understanding of the expert analysis conducted in this
13 case regarding Sunrise's facility staffing, I believe that all of the work referenced in
14 Exhibit 1 was necessary for the successful prosecution of the Sunrise class claims.
15 Further, I believe that the expert/consultant costs to complete an analysis of the
16 Sunrise facility staffing would have been significantly higher, but for the allocation
17 of expert/consultant charges reflected in Exhibit 1.

18 6. As shown on Exhibit 1, the total charges allocated to the Sunrise case
19 for staffing analysis expert witness/consultant total \$462,634.60. My understanding
20 is that all of the Allocated Amounts shown on Exhibit 1 were paid in full to third
21 party expert witnesses/consultants who provided services on the Sunrise case.

22 7. Of the \$462,634.60 charges for the staffing analysis expert
23 witness/consultant services in the Sunrise case that were paid by Marks Balette,
24 only \$423,790.94 of those charges have been included in Plaintiffs' request for
25 litigation costs and expenses. Dkt. 635-3 (Cost Summary), pp. 5, 24, 38, 44 (listing
26 reimbursement payments to Marks Balette by Dentons, Janssen, Stebner and
27 Schneider Wallace).

28 8. Marks Balette's records show the remaining \$39,543.66 was paid to

1 the staffing analysis experts/consultants. Marks Balette was reimbursed for a
2 portion of these additional payments by the Arns Law Firm, a firm that initially
3 participated in the Sunrise case prosecution but subsequently bowed out due to
4 other client commitments. Although not included in Plaintiffs' application for
5 reimbursement of litigation costs, these additional payments (\$39,543.66) directly
6 benefited the Sunrise class.

7 9. None of the staffing analysis expert witness/consultant charges listed
8 on Exhibit 1 are included in the Marks Balette's tab in the Cost Summary. *See*
9 Dkt. 635-3, pp. 28-32. Rather, the expert expenses in the Marks Balette section of
10 the Cost Summary are limited to the \$420,833.75 for data analysis services
11 provided by Superior Analytics/Blake Peters and the \$3,845.04 ProModel software
12 charge. Dkt. 635-3, p. 29.

13 10. The amounts listed on Exhibit 1 represent the actual amounts charged
14 by the staffing analysis expert witnesses/consultants who provided services on the
15 Sunrise case. No overhead or other surcharge has been added by Marks Balette or
16 any other Class Counsel.

17 11. My understanding of applicable law is that the attorney declarations
18 and supporting exhibits (such as the attached Exhibit 1 and the previously filed
19 Cost Summary, Dkt. 635-3) are sufficient to support Plaintiffs' request for litigation
20 costs and expenses. *See e.g., Wren v. RGIS Inventory Specialists*, Case No. C-06-
21 05778 JCS, 2011 WL 1230826, at *30 (N.D. Cal. Apr. 1, 2011), supplemented,
22 Case No. C-06-05778 JCS, 2011 WL 1838562 (N.D. Cal. May 13, 2011).
23 However, if the Court so requests, Class Counsel can provide copies of the invoices
24 or other payment records supporting Plaintiffs' request.

25 12. As noted in prior briefing, the total litigation costs and expenses
26 advanced or incurred by Class Counsel in the prosecution of the Sunrise case
27 exceed \$1.7 million. Nevertheless, Class Counsel have limited the requested award
28 for litigation costs and expenses to \$1,699,627.86. Dkt. 635, p. 2; Dkt. 639, p. 4.

1 I declare under penalty of perjury under the laws of the State of California
2 and the United States that the foregoing is true and correct.

3 Executed on November 26, 2024 at San Diego, California

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/s/Christopher J. Healey
Christopher J. Healey

EXHIBIT 1

MARKS BALETTE GIESSEL & YOUNG, PLLC
 SUNRISE: CLASS ACTION EXPERT/CONSULTING COSTS RELATED TO STAFFING ANALYSIS

DATE	NAME	MEMO	AMOUNT ALLOCATED
11/5/2018	THOMAS FERRIS	SIMULATION PROJECT RETAINER	1,250.00
01/17/2019	PROMODEL	ALF DES MODEL CONSTRUCTION (ACCUMULATED COSTS)	9,969.79
01/31/2019	CRISTINA FLORES	ALF TIME & MOTION STUDIES (ACCUMULATED COSTS)	11,399.15
03/31/2019	CRISTINA FLORES	ALF TIME & MOTION STUDIES	1,775.00
04/11/2019	PROMODEL	ALF DES MARCH SERVICES	742.18
04/11/2019	PROMODEL	MOST CLOUD ALF DES MODEL	5,000.00
04/23/2019	JOHN SCHNELLE	HOURLY WORK HOUSTON MEETING: ALF DES MODEL	2,125.00
04/23/2019	JOHN SCHNELLE	TRAVEL HOUSTON MEETING	239.52
04/30/2019	CRISTINA FLORES	ALF TIME & MOTION STUDIES	200.00
05/13/2019	PROMODEL	ALF MODELING 4/1-4/30/2019 + HOUSTON MEETING	3,242.23
06/14/2019	PROMODEL	ALF MODELING 5/1-5/31/2019	7,360.75
07/12/2019	PROMODEL	ALF MODELING 6/1-6/30/2019	6,141.75
08/13/2019	RICHARD M. FELDMAN	COMPUTER MODEL ANALYSIS	2,077.75
08/14/2019	PROMODEL	ALF MODELING 7/1-7/30/2019	7,656.88
09/12/2019	PROMODEL	ALF MODELING 8/1-8/30/2019	6,698.75
11/13/2019	PROMODEL	ALF MODELING 10/1-10/31/2019 & MOST CLOUD	6,505.13
12/18/2019	PROMODEL	ANNUAL MEMBERSHIP RENEWAL	986.67
12/18/2019	THOMAS FERRIS	ANALYSIS AND MODELING	1,216.67
12/19/2019	PROMODEL	ALF MODELING 11/1-11/30/2019	2,260.13
12/31/2019	RICHARD FELDMAN	JULY - DECEMBER 2019 CONSULTING	6,005.00
01/14/2020	PROMODEL	ALF MODELING 12/1-12/31/2019	3,398.04
02/03/2020	DAVID BELSON	RESEARCH AND PRESENTATION WORK	562.50
02/14/2020	PROMODEL	ALF & MOST MODELING 1/1-1/31/2020	2,375.00
02/29/2020	RICHARD FELDMAN	JANUARY THROUGH FEBRUARY CONSULTING	7,010.00
03/31/2020	DAVID BELSON	FEBRUARY AND MARCH RESEARCH AND REVIEW	750.00
04/30/2020	CRISTINA FLORES	APRIL CONSULTING	7,800.00
05/12/2020	PROMODEL	VALIDATION ACTIVITIES 4/1-4/30/2020	3,805.00
05/31/2020	CRISTINA FLORES	MAY CONSULTING	8,100.00
06/08/2020	PROMODEL	SUNRISE PHASE 4 TSA	2,625.00
06/15/2020	PROMODEL	VALIDATION ACTIVITIES 5/1-5/31/2020	3,062.50
06/30/2020	CRISTINA FLORES	JUNE CONSULTING	500.00
07/15/2020	PROMODEL	DEMO MODEL WORK AND INVESTIGATION	9,270.43
07/22/2020	DAVID BELSON	FEBRUARY THROUGH JULY RESEARCH AND REVIEW	2,025.00
07/31/2020	CRISTINA FLORES	JULY CONSULTING	16,300.00
07/31/2020	RICHARD FELDMAN	APRIL TO JULY CONSULTING	4,000.00
08/12/2020	PROMODEL	DEPOSITION PREP 7/1 - 7/31/2020	9,250.00

08/30/2020	CRISTINA FLORES	AUGUST CONSULTING	4,700.00
08/31/2020	PROMODEL	DEPOSITION WORK 8/1 - 8/31/2020	1,625.00
10/31/2020	CRISTINA FLORES	OCTOBER CONSULTING	6,100.00
11/05/2020	PROMODEL	SUNRISE DATA REVIEW 10/31 - 10/31/2020	18,250.00
02/11/2021	PROMODEL	SUNRISE MODELING AND DATA ANALYSIS	21,250.00
03/17/2021	PROMODEL	SUNRISE CLOUD, LCM SYSTEM, AND DATA ANALYSIS	20,962.50
04/08/2021	PROMODEL	SUNRISE STAFFING DATA ANALYSIS, REVIEW CLM OPS, MODELING	17,175.00
05/13/2021	PROMODEL	SUNRISE MODELING	46,523.37
06/11/2021	PROMODEL	SUNRISE MODELING, RUBIC CUBE TESTING, CLM SYSTEM, ET.	18,500.00
07/22/2021	PROMODEL	SUNRISE RUBICS CUBE TESTING	21,250.00
08/16/2021	PROMODEL	RUBIC TESTING, DECLARATION & SUPPORTING DOCUMENTATION	34,735.38
08/31/2021	PROMODEL	JUNE AND JULY MOST CLOUD COMPUTING HOURS	6,430.70
09/14/2021	PROMODEL	RUBIC TESTING, COMPLETE DECLARATION	28,550.00
10/8/2021	PROMODEL	DECLARATION IN SUPPORT OF MOTION	1,500.00
10/28/2021	PROMODEL	ADDL JUNE AND JULY MOST CLOUD COMPUTING HOURS	9,781.79
11/16/2021	PROMODEL	RERUN OF 17C FULL YEAR SCENARIO	11,868.24
12/13/2021	PROMODEL	COMPLETE: DECLARATION, REPLY DECLARATION, MOST TESTING	12,358.32
01/28/2022	RICHARD FELDMAN	MEDMODEL WORK	8,463.50
02/28/2022	RICHARD FELDMAN	JANUARY & FEBRUARY 2022 HOURS	4,300.00
03/16/2022	EDWARD JONES	CONSULTING - JULY 2021 - MARCH 2022	4,625.00
			462,634.60