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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)

**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”). In
6 accordance with the Court’s directive at the November 8, 2024 hearing on
7 Plaintiffs’ Motion for Attorneys’ Fees, Costs and Service Awards, this Declaration
8 is submitted to address specific questions raised regarding Plaintiffs’ request for
9 reimbursement of advanced litigation costs and expenses. Unless otherwise
10 indicated, I have personal knowledge of the facts set forth herein. If called upon to
11 testify, I could and would do so competently.

12 **Westlaw/Lexis Charges**

13 2. Plaintiffs’ Cost Summary submitted in support of the pending motion
14 shows Westlaw and Lexis charges by Dentons, Schneider Wallace and the Stebner
15 firms. Dkt. 635-3, pp. 6-10 (Dentons), pp. 34-36 (Stebner) and pp. 46-47
16 (Schneider Wallace). The Westlaw/Lexis charges reflect the charges that Dentons
17 incurred for the Westlaw/Lexis searches, with no markup. I am advised that the
18 same is true for the Westlaw/Lexis charges listed for the Schneider Wallace and
19 Stebner firms.

20 **Reimbursement Between Class Counsel for Expert Costs/Expenses Paid**

21 3. During the course of the Sunrise litigation, the Marks Balette firm
22 advanced initial payments to certain experts and consultants who provided services
23 on the Sunrise matter, including MedModel, Dr. Flores and work product
24 consultants, Dr. Mark Lachs, Dr. Richard Feldman, Dr. David Belson and
25 Synergen. Pursuant to Class Counsel’s cost sharing agreement, Marks Balette was
26 reimbursed for these payments by other Class Counsel. The reimbursement
27 payments to Marks Balette are referenced under the experts/consultants category in
28 the Cost Summary for other Class Counsel. Dkt. 635-3, p. 5 (Dentons), p. 24

1 (Janssen) and p. 44 (Schneider Wallace).

2 4. The expert/consultant payments made by Marks Balette (for which that
3 firm were reimbursed by other Class Counsel) are *not* included in the Marks
4 Balette's tab on the Cost Summary. *See* Dkt. 635-3, pp. 28-32. Rather, the expert
5 expenses in the Marks Balette section of the Cost Summary are limited to the
6 \$420,833.75 for data analysis services provided by Superior Analytics/Blake Peters
7 and the \$3,845.04 ProModel software charge. Dkt. 635-3, p. 29.

8 5. Similarly, the Dentons tab in the Cost Summary shows an \$8,500
9 payment to the Stebner firm for reimbursement of \$8,500 paid by the Stebner firm
10 to Dr. Flores for services on the Sunrise matter. Dkt. 635-3, p. 5. The \$8,500
11 payment to Dr. Flores is *not* included in the Stebner firm's tab on the Cost
12 Summary. *See* Dkt. 635-3, pp. 33-39. Rather, the expert expenses in the Stebner
13 firm's section of the Cost Summary are limited to separate payments by the Stebner
14 firm to Dr. Flores for services on the Sunrise case, for which the Stebner firm was
15 not reimbursed. Dkt. 635-3, p. 34.

16 **References to Aegis and Oakmont Cases in Cost Summary**

17 6. Certain of the line items in the Cost Summary include references to the
18 Aegis (California), Aegis (Washington) and Oakmont cases. *See e.g.*, Dkt. 635-3,
19 p. 5. That is because portions of the expert/consulting expenses in the Sunrise
20 matter were shared with the Aegis and Oakmont assisted living staffing cases also
21 prosecuted by Class Counsel. All of the cases jointly benefited from ProModel's
22 initial work in adapting its MedModel simulation program to an assisted living
23 model. To reflect this shared benefit, 25% of the initial ProModel expense was
24 allocated equally to the four cases (Aegis California, Aegis Washington, Oakmont
25 and Sunrise). Absent the cost allocation with the other pending cases, the Sunrise
26 class would have incurred the full setup costs for the conversion of the
27 ProModel/MedModel simulation program to the assisted living environment.

28 7. I have reviewed the Marks Balette summaries for the

1 ProModel/MedModel charges. The charges allocated to the Sunrise case include
2 25% only for the initial setup work by ProModel/MedModel. Once the model was
3 developed, the ProModel/MedModel charges to analyze the Sunrise data for the
4 staffing analysis undertaken in this case were allocated 100% to the Sunrise case.

5 **Courtesy Reduction of Certain Cost Items**

6 8. As detailed in the Cost Summary, the total costs and expenses
7 advanced by Class Counsel on the Sunrise case through September 24, 2024 total
8 \$1,709,196.54. Dkt. 635-3, p. 3.

9 9. As referenced in my Reply Declaration, Class Counsel have applied a
10 courtesy reduction for certain cost items totaling \$9,568.68, which reduces
11 Plaintiffs' costs reimbursement request to \$1,699,627.86. Dkt. 635-4.

12 10. As part of the courtesy discount, Class Counsel reduced the
13 reimbursement request on the Ritz Carlton conference room from the \$3,912.21
14 charged by the hotel to \$500. Dkt. 635-4, p. 3.

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

17 Executed on November 12, 2024 at San Diego, California

18
19 /s/Christopher J. Healey
Christopher J. Healey

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25 Attorneys for Plaintiffs and the Class

26 **UNITED STATES DISTRICT COURT**
27 **CENTRAL DISTRICT OF CALIFORNIA**

28 Audrey Heredia as successor-in-interest
to the Estate of Carlos Heredia; Amy
Fearn as successor-in-interest to the
Estate of Edith Zack; and Elise Ganz as
successor-in-interest to the Estate of
Helen Ganz; on their own behalves and
on behalf of others similarly situated,

Plaintiffs,

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Sunrise Senior Living, LLC; Sunrise
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Does 2 - 100,

Defendants.

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

CERTIFICATE OF SERVICE

Judge: Hon. Josephine L. Staton
Magistrate Judge: Hon. John D. Early

I am an attorney at the law firm of Dentons US LLP, whose address is 4655 Executive Drive, Suite 700, San Diego, California, 92121. I am over the age of eighteen years, and am not a party to this action.

On November 12, 2024, I caused to be served the following document(s):

SUPPLEMENTAL DECLARATION OF CHRISTOPHER J. HEALEY IN SUPPORT OF PLAINTIFFS’ MOTION FOR REIMBURSEMENT OF LITIGATION COSTS

as indicated/listed on the United States District Court, Central District of California’s CM/ECF registered email list in the above-referenced matter:

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

24 Executed on November 12, 2024 at San Diego, California.

25 *s/Christopher J. Healey*
26 Christopher J. Healey