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8 **UNITED STATES**
9 **NORTHERN DISTRICT**
10 **SAN FRANCISCO**

11 JOHN DOE, JOHN DOE II, JOHN DOE III,
12 JANE DOE, JANE DOE II, JANE DOE III,
13 JANE DOE IV, JANE DOE V, and ALEXIS
SUTTER, Individually and on behalf of all
others similarly situated.

Plaintiffs,

V.

16 KAISER FOUNDATION HEALTH PLAN,
17 INC., KAISER FOUNDATION HOSPITALS,
18 and KAISER FOUNDATION HEALTH
PLAN OF WASHINGTON.

Defendants.

Case No. 3:23-cv-02865-EMC

**[PROPOSED AMENDED] ORDER AS MODIFIED
PRELIMINARILY APPROVING
SETTLEMENT AND APPROVING
NOTICE OF PROPOSED SETTLEMENT
OF CLASS ACTION AND FAIRNESS
HEARING**

District Judge: Hon. Edward M. Chen
Magistrate Judge: Hon. Peter H. Kang

Consolidated Complaint Filed: Dec. 6, 2024
Trial Date: Jan. 25, 2027

20 WHEREAS, Plaintiffs John Doe, John Doe II, Jane Doe, Jane Doe II, Jane Doe III, Jane
21 Doe IV, Jane Doe V, and Alexis Sutter (“Plaintiffs”), on behalf of themselves and the Settlement
22 Class Members, as defined below; and Defendant Kaiser Foundation Health Plan, Inc. (“Kaiser
23 Foundation Health Plan” or “Defendant”; and, together with Plaintiffs, collectively referred to
24 herein as the “Parties”), determined to settle the above-captioned matter (the “Action”) on the terms
25 and conditions set forth in the Stipulation of Settlement dated August 13, 2025 and all exhibits
26 thereto as amended by agreement of the Parties (*see* ECF Nos. 373, 374, 388) and Court Order (*see*
27 ECF Nos. 362, 384, 387 and October 23, 2025 and November 25, 2025 hearings) (the

1 "Stipulation"), as filed with the Clerk of the Court (this settlement process is hereafter referred to
 2 as the "Settlement");

3 WHEREAS, Plaintiffs have filed a motion for an order that, *inter alia*, (1) preliminarily
 4 approves the Settlement on the terms set forth in the Stipulation; (2) preliminarily certifies the
 5 proposed Settlement Class; (3) appoints the proposed Settlement Administrator; (4) orders Kaiser
 6 Foundation Health Plan to provide to the Settlement Administrator the May 2024 Notice List for
 7 the sole purpose of providing notice of the Settlement to the Settlement Class on behalf of Class
 8 Counsel, recognizing that the May 2024 Notice List will contain Kaiser Permanente member email
 9 addresses and U.S. mailing addresses and reference the fact that a Settlement Class Member is or
 10 was a Kaiser Permanente member; (5) orders the Settlement Administrator to provide notice of the
 11 Settlement to the members of the Settlement Class per the approved methods and forms of notice;
 12 (6) establishes deadlines for members of the Settlement Class to opt out of the Settlement Class or
 13 object to the Settlement or any aspect thereof; and (7) schedules a hearing to determine whether the
 14 Settlement should be finally approved as fair, reasonable and adequate, and whether an order finally
 15 approving the Settlement as set forth in the Stipulation should be entered;

16 WHEREAS, the Court, having read and considered the motion, the memorandum submitted
 17 in support of the motion, all oppositions and objections submitted thereto, the Stipulation and the
 18 exhibits thereto, including the proposed (i) Long Form Notice of Proposed Settlement of Class
 19 Action and Fairness Hearing; (ii) Short Form Notice of Proposed Settlement of Class Action and
 20 Fairness Hearing; and (iii) Plan of Allocation, after oral argument on October 23, 2025 and
 21 November 25, 2025 finds that substantial and sufficient grounds exist for entering this Order
 22 Preliminarily Approving Settlement and Approving Notice of Proposed Settlement and Fairness
 23 Hearing ("Preliminary Approval Order"); and

24 WHEREAS, upon review and consideration of the foregoing materials, and having heard
 25 oral argument, the Court has found good cause for entering this Preliminary Approval Order;

26 NOW, THEREFORE, IT IS ORDERED THAT:

27 1. The definitions and terms set forth in the Stipulation are hereby adopted and
 28 incorporated into this Preliminary Approval Order.

1 2. The Parties have proposed certification of the following Settlement Class pursuant
 2 to Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure and solely for purposes of
 3 effectuating the Settlement:

4 Any and all Kaiser members¹ in the Kaiser Operating States², subject to the
 5 exclusions below, who accessed the authenticated pages of the Kaiser Permanente
 6 websites or mobile applications listed below from November 2017 to May 2024:

Websites	
	https://wa-member.kaiserpermanente.org
	https://healthy.kaiserpermanente.org
	https://mydoctor.kaiserpermanente.org
Mobile Applications	
	Kaiser Permanente Washington App
	Kaiser Permanente App
	My Doctor Online (NCAL Only) App
	My KP Meds App
	KP Health Ally App

17 Excluded from the Settlement Class are (1) the Judges presiding over the Action,
 18 Class Counsel, Sutter Counsel and immediate members of their families; (2)
 19 Defendant, its subsidiaries, parent companies, successors, predecessors, and any
 20 entity in which Defendant or its parents have a controlling interest, and their current
 21 or former officers and directors; (3) Persons who properly execute and submit a
 22 request for exclusion prior to the Opt-Out Deadline; (4) the successors or assigns of
 23 any such excluded Persons; and (5) the Kaiser Permanente Members Who Have
 24 Chosen to Arbitrate, with “Members Who Have Chosen to Arbitrate” defined as (i)

25
 26 ¹ “Kaiser members” (also referred to in the Stipulation as “Kaiser Permanente members”) means
 27 current and former enrollees of the Kaiser Foundation Health Plan or any of its affiliates.
 Consolidated Class Action Complaint, ECF No. 271 ¶ 72.

28 ² “Kaiser Operating States” (also referred to in this Stipulation as Kaiser Permanente Operating
 States) means California, Colorado, Georgia, Hawaii, Maryland, Oregon, Virginia, Washington,
 and the District of Columbia. Consolidated Class Action Complaint, ECF No. 271 ¶ 72.

the seventeen (17) current and former Kaiser Permanente members identified in Appendix A represented by one or more of the Potter Handy, LLP (“Potter Handy”), Milberg Coleman Bryson Phillips Grossman, LLC (“Milberg”), and Bryson Harris Suciu & DeMay, PLLC (“Bryson”) law firms; and (ii) the four (4) current and former Kaiser Permanente members identified in Appendix B represented by the Shay Legal, APC and Swigart Law Group, APC law firms.

7 3. The Court finds, pursuant to Rule 23(e)(1)(B)(ii) of the Federal Rules of Civil
8 Procedure, that it will likely be able to certify the Settlement Class for purposes of the proposed
9 Settlement. Specifically, the Court finds that each element required for certification of the
10 Settlement Class pursuant to Rule 23 of the Federal Rules of Civil Procedure has been met or will
11 likely be met: (a) the members of the Settlement Class are so numerous that their joinder in the
12 Action would be impracticable; (b) there are questions of law and fact common to the Settlement
13 Class that predominate over any individual questions; (c) the claims of Plaintiffs in the Action are
14 typical of the claims of the Settlement Class; (d) Plaintiffs and their counsel have and will fairly
15 and adequately represent and protect the interests of the Settlement Class; and (e) a class action is
16 superior to other available methods for the fair and efficient adjudication of the Action.

17 4. The Court also finds, pursuant to Rule 23(e)(1)(B)(ii) of the Federal Rules of Civil
18 Procedure, that it will likely be able to appoint Plaintiffs as Class Representatives for the Settlement
19 Class and to appoint Kessler Topaz Meltzer & Check, LLP and Carella Byrne Cecchi Brody &
20 Agnello, PC as Class Counsel for the Settlement Class pursuant to Rule 23(g) of the Federal Rules
21 of Civil Procedure.

22 5. The proposed Settlement as reflected in the Stipulation and all exhibits thereto is
23 hereby preliminarily approved. The Court finds that the proposed Settlement is the product of
24 informed arm's-length negotiation by counsel; contains no obvious deficiencies that would prevent
25 preliminary Court approval; bears a reasonable relationship to the claims alleged by Plaintiffs and
26 the litigation risks of Plaintiffs as well as Defendant; and does not improperly grant preferential
27 treatment to the named Plaintiffs or segments of the Settlement Class. The Court also finds,
28 pursuant to Rule 23(e)(1)(B)(i) of the Federal Rules of Civil Procedure, that it will likely be able to

1 finally approve the proposed Settlement under Rule 23(e)(2) as being fair, reasonable, and adequate
 2 to the Settlement Class, subject to further consideration at the Fairness Hearing to be conducted as
 3 described below. Accordingly, notice of the Settlement should be given to the Settlement Class.

4 6. The Court approves the forms of notice (i.e., the Long Form Notice of Proposed
 5 Settlement of Class Action and Fairness Hearing and the Short Form Notice of Proposed Settlement
 6 of Class Action and Fairness Hearing (together, the “Notices”)), attached to the Stipulation as
 7 Exhibits B and E, as amended.³ The Court directs that notice shall be given to the Settlement Class
 8 as follows: (i) Short Form Notice disseminated by email to each Person’s last known email address
 9 (as provided in the May 2024 Notice List or otherwise available to Defendant), or by first-class
 10 U.S. mail to each Person’s last known mailing address (in the event an email address is not
 11 available), and (ii) Long Form Notice posted to the Settlement Website. To the extent a notice sent
 12 by U.S. mail or email is returned because the addressee is no longer found at the address to which
 13 the notice was sent (or for any other reason), the Settlement Administrator will use reasonable best
 14 efforts to obtain correct current addresses and thereafter re-send the notice. The Court finds that
 15 these notice procedures established by the Stipulation are appropriate and are reasonably calculated
 16 to apprise the members of the Settlement Class of the pendency of the Action and the proposed
 17 Settlement, afford any member of the Settlement Class an opportunity to present any objections to
 18 the Settlement or to opt out of the Settlement Class, and comply in all respects with the Federal
 19 Rules of Civil Procedure, the United States Constitution (including all of the requirements of due
 20 process), and all other applicable laws and rules.

21 7. As provided in the Stipulation, Defendant shall serve the notice required under the
 22 Class Action Fairness Act, 28 U.S.C. § 1715 *et seq.* (“CAFA Notice”), no later than ten (10) days
 23 following the filing of the Stipulation with the Court. At least forty-five (45) days before the
 24

25 ³ The Amended Long Form Notice of Proposed Settlement of Class Action shall be in the form
 26 submitted as Exhibit 2 to the Joint Report in Response to Order re Pls.’ Motion for Preliminary
 27 Approval (Nov. 13, 2025) [ECF No. 388-4], except that the Settlement Class definition shall
 28 conform to the Settlement Class definition as set forth above in Paragraph 2. The Amended Short
 Form Notice of Proposed Settlement of Class Action shall be in the form submitted as Exhibit 3
 to the Joint Report in Response to Order re Pls.’ Motion for Preliminary Approval (Nov. 13,
 2025) [ECF No. 388-5].

1 Fairness Hearing, Defendant shall cause to be served on Class Counsel and filed with the Court
 2 proof, by affidavit or declaration, regarding compliance with 28 U.S.C. § 1715(b).

3 8. The Court finds that the Settlement Administrator will need personally identifiable
 4 information of Settlement Class Members, including their names and last-known mailing addresses
 5 and email addresses and disclosure of the fact the individual is or was a Kaiser Permanente member,
 6 in order to provide notice by U.S. mail and email to Settlement Class Members. The Court further
 7 finds that the public interest in providing this notice outweighs any potential injury to the Settlement
 8 Class Members. Therefore, the Court orders that Kaiser Foundation Health Plan release to the
 9 Settlement Administrator the names and last-known mailing addresses and email addresses of
 10 Settlement Class Members (i.e., the May 2024 Notice List or similar records maintained by Kaiser)
 11 for the limited purposes of providing notice to Settlement Class Members. This information will
 12 only be disclosed to the Settlement Administrator and shall be designated “Highly Confidential –
 13 Attorney’s Eyes Only” pursuant to the Protective Order entered in the Action (ECF No. 106 ¶ 2.8).
 14 The Court recognizes that the May 2024 Notice List will contain Kaiser Permanente member email
 15 addresses and U.S. mailing addresses and reference the fact that a Settlement Class Member is or
 16 was a Kaiser Permanente member.

17 9. Strategic Claims Services is hereby appointed as the Settlement Administrator, and
 18 shall be responsible, under the direction and supervision of Class Counsel, for providing the Notices
 19 to the Settlement Class in accordance with the provisions of the Stipulation and this Order, as well
 20 as processing Settlement Class Member Claims and issuing payments to eligible Settlement Class
 21 Members.

22 10. By December 17, 2025 (or no later than fifteen (15) days after the entry of this
 23 Order), the Kaiser Foundation Health Plan, Inc. is ordered to, pursuant to the Stipulation and this
 24 Order, and pursuant to 45 C.F.R. §164.512(e)(i), provide the Settlement Administrator with the
 25 May 2024 Notice List and additional emails if available, including Settlement Class Member email
 26 addresses (or mailing addresses for any Settlement Class Members where email is unavailable) for
 27 the purpose of effectuating notice of the Settlement, which information shall be designated “Highly
 28 Confidential – Attorney’s Eyes Only” pursuant to the Protective Order entered in the Action (ECF

1 No. 106 ¶ 2.8) and subject to a Business Associate Agreement under HIPAA between the
2 Settlement Administrator and Defendant Kaiser Foundation Health Plan, Inc. Class Counsel shall
3 not receive, review, or otherwise access the May 2024 Notice List, supplemental lists of email
4 addresses, or any reproduction thereof.

5 11. By January 16, 2026 (or no later than thirty (30) days after the provision of the May
6 2024 Notice List to the Settlement Administrator), Class Counsel will direct the Settlement
7 Administrator, pursuant to the Stipulation and this Order, to cause the individuals listed on the May
8 2024 Notice List, all current or former Kaiser Permanente members, to be notified by either (i) an
9 email sent to each Person's last known email address containing language substantially similar to
10 that included in the Short Form Notice, or (ii) mailing the Short Form Notice by first-class U.S.
11 mail to each Person's last known mailing address, or (iii) providing the Short Form Notice using
12 another method that satisfies Rule 23 of the Federal Rules of Civil Procedure (the "Notice Date").
13 As noted above, to the extent a notice sent by U.S. mail is returned because the addressee is no
14 longer found at the address to which the notice was sent (or for any other reason), or if an email is
15 returned as undeliverable, the Settlement Administrator will use reasonable best efforts to obtain
16 correct current addresses and thereafter re-send the notice by first-class U.S. mail or email, as
17 applicable. No later than ten (10) days from the Notice Date, the Settlement Administrator shall
18 provide an affidavit of mailing to Class Counsel. Contemporaneously with the emailing mailing of
19 the Short Form Notice, the Settlement Administrator will post the Long Form Notice, Claim Form,
20 and Plan of Allocation on the Settlement Website.

21 12. Settlement Class Members must complete and submit a Claim in order to be eligible
22 to receive a payment from the Settlement. Claims must be submitted (mailed with a postmark or
23 via the Settlement Website) by March 12, 2026 (or no later than fifty-five (55) calendar days after
24 the Notice Date), unless the Court orders otherwise. Notwithstanding the foregoing, Class Counsel
25 may, at their discretion, accept late Claims provided such acceptance does not delay the distribution
26 of the Net Settlement Fund to eligible Settlement Class Members. Any eligible Settlement Class
27 Member that does not negotiate their payment from the Net Settlement Fund within the time
28 permitted: (a) shall be deemed to have waived his, her, or its right to share in the Net Settlement

1 Fund; (b) shall be forever barred from participating in any distributions therefrom; and (c) shall be
 2 bound by the provisions of the Settlement and all proceedings, determinations, orders, and
 3 judgment in the Action relating thereto.

4 13. In order for a member of the Settlement Class to be excluded from the Settlement
 5 Class, the Settlement Class Member must request exclusion in writing or via the Settlement Website
 6 within the time and manner set forth in the Long Form Notice, and the request for exclusion must
 7 be received by the Settlement Administrator by March 12, 2026 (or no later than fifty-five (55)
 8 days after the Notice Date). Each request for exclusion must: (i) state the full name, residential
 9 address, telephone number, email address of the Person requesting exclusion; (ii) state “I request
 10 exclusion from the Settlement Class in *Doe, et al. v. Kaiser Foundation Health Plan, Inc., et al.*,
 11 Case No. 3:23-cv-02865-EMC (N.D. Cal.);” (iii) include the Settlement Class Member’s Unique
 12 ID as provided by the Settlement Administrator, and (iv) include a wet ink signature (i.e., no /s/
 13 signature by permission) or by electronically imaged written (e.g. “DocuSign”) signature.
 14 Exclusion letters must be signed by the Settlement Class Member personally, and not a lawyer or
 15 anyone else acting on their behalf. “Mass” or “class” opt outs made on behalf of multiple persons
 16 or classes of persons will be deemed invalid. The Settlement Administrator shall also set up a
 17 secured file transfer protocol to receive large groups of individually signed opt-out forms
 18 simultaneously to the extent such groupings occur. The secure file transfer protocol shall be
 19 provided to counsel upon request. To facilitate the orderly review of such submissions by the
 20 Settlement Administrator, a supplemental log shall be provided with, at a minimum, each
 21 represented individual’s name, email, and Class ID. With regard to any Settlement Class Member
 22 who submits a timely and valid request for exclusion, that Settlement Class Member shall be
 23 excluded from the Settlement Class, shall not be a Settlement Class Member, shall not be bound by
 24 the terms of the Settlement or any orders or judgments in the Action, and shall not be entitled to
 25 participate in the Settlement. The Labaton Keller Sucharow LLP (“Labaton”), Bryson, and Potter
 26 Handy Firms, as counsel for the Objectors, shall be given the Class IDs for their clients but
 27 Objectors’ counsel must first provide an affidavit, signed by counsel and sworn under the penalty
 28 of perjury, no later than five (5) business days after the Preliminary Approval Order is entered

1 attesting to the representation of, and identifying, all such Settlement Class Member(s) whom they
 2 represent, and certifying that the Class ID numbers are not being used for an improper purpose such
 3 as opting out without knowledge and consent of the clients. The Settlement Administrator, through
 4 Class Counsel, will then provide such counsel with the Class ID for any such Settlement Class
 5 Member on or before the Notice Deadline (i.e. no later than 45 days from the entry of this
 6 Preliminary Approval Order).

7 14. To object to the Settlement, a Settlement Class Member must mail to or file with the
 8 Court in the manner described in the Long Form Notice, and the objection must include the
 9 following: (i) identify the full name, address, telephone number, Unique ID provided by the
 10 Settlement Administrator and contained in the notice received by mail/email, and email address of
 11 the Person objecting and be personally signed by the objector; (ii) an explanation of why the
 12 commenter or objector believes he or she or they are a Settlement Class Member; (iii) a statement
 13 whether the objection applies only to the objector, or to a specific subset of the Settlement Class,
 14 or to the entire Settlement Class; (iv) all reasons for the objection or comment, stated with
 15 specificity; (v) a statement identifying the number of class action settlements the objector has
 16 objected to or commented on in the last five years; (vi) whether the objector or commenter intends
 17 to personally appear and/or testify at the Fairness Hearing; (vii) the name and contact information
 18 of any and all attorneys representing, advising, or assisting the commenter or objector, including
 19 any attorney who may be entitled to compensation for any reason related to the objection or
 20 comment; (viii) for each attorney representing, advising, or assisting the objector, a statement
 21 identifying every objection the attorney has filed to any other class action settlements in the last
 22 five years; (ix) whether any attorney will appear on the objector's or commenter's behalf at the
 23 Fairness Hearing, and if so the name and law firm of that attorney; (x) copies of any exhibits the
 24 objector intends to submit into evidence at the Fairness Hearing; (xi) the identity of any persons
 25 whom the objector or any attorney appearing on the objector's behalf wishes to call to testify at the
 26 Fairness Hearing; and (xii) the objector's handwritten or electronically imaged written (e.g.,
 27 "DocuSign") signature. An attorney's signature, or a typed signature, is not sufficient. Such
 28 objection must be postmarked or filed by March 12, 2026 (or no later than fifty-five (55) days after

1 the Notice Date). Unless such requirement is excused by the Court, no person shall be heard in
 2 opposition to the Settlement, the Plan of Allocation, or the Fee Application (defined below) unless
 3 such person has mailed to or filed with the Court an objection to the Settlement and a notice of
 4 intent to appear by March 12, 2026 (or within fifty-five (55) calendar days after the Notice Date).

5 15. Any Settlement Class Member who does not object in the foregoing manner (and as
 6 set forth in the Long Form Notice) shall be deemed to have waived all objections and shall be
 7 foreclosed from making any objections to the Settlement, the Plan of Allocation, and/or the Fee
 8 Application. The procedures and requirements for filing objections satisfy the due process rights of
 9 all Settlement Class Members and are sufficient to ensure the efficient administration of justice and
 10 the orderly presentation of any Settlement Class Member's objections to the Settlement.

11 16. No later than December 22, 2025 (or twenty (20) calendar days from the entry of
 12 this Preliminary Approval Order), Class Counsel shall file their opening papers in support of final
 13 approval of the Settlement, including any motion for attorneys' fees, reimbursement of costs and
 14 expenses, and service awards to Plaintiffs (the "Fee Application").

15 17. The Court will determine whether to grant final approval of the Settlement following
 16 a Fairness Hearing to be held on April 30, 2026, at 1:30 p.m., (or no earlier than one hundred and
 17 thirty (130) days from the entry of this Preliminary Approval Order), at the Phillip Burton Federal
 18 Building & United States Courthouse, 450 Golden Gate Avenue, Courtroom 5 – 17th Floor, San
 19 Francisco, CA 94102 (the "Fairness Hearing"). The Court will determine pursuant to the Fairness
 20 Hearing that it has jurisdiction over the subject matter, the Parties, and the members of the
 21 Settlement Class. It will further determine, among other things, whether the proposed Settlement,
 22 including the Plan of Allocation, is fair, reasonable, and adequate, and whether it should be finally
 23 approved by the Court. The Court will rule on the Fee Application, including the amounts of
 24 attorneys' fees, costs, and expenses that should be awarded to Class Counsel pursuant to Rule 23(h),
 25 and the service awards to be awarded to the named Plaintiffs, if any. The Court may adjourn and/or
 26 reschedule the Fairness Hearing without further written notice to the Settlement Class and may
 27 approve the Settlement with such modifications as the Parties may agree to, if appropriate, without
 28 further notice to the Settlement Class. Any changes to the date, time and format of the Fairness

1 Hearing will be posted on the Settlement Website. Any member of the Settlement Class who wishes
2 to appear at the Fairness Hearing should consult the Court's docket and/or the Settlement Website
3 for any changes to the hearing.

4 18. By April 2, 2026 (or no later than fifteen (15) calendar days before the Fairness
5 Hearing), the Parties may file with the Court any papers in further support of final approval of the
6 Settlement, the Plan of Allocation, and the Fee Application, including responses to objections.
7 Copies of these papers shall be served upon any Settlement Class Members who files a valid and
8 timely objection, or their counsel.

9 19. The Settlement Administrator shall, by April 2, 2026 (or no later than fifteen (15)
10 calendar days prior to the Fairness Hearing), file with the Court proof of emailing and mailing of
11 the Short Form Notice to the Settlement Class Members and posting of the Long Form Notice on
12 the Settlement Website.

13 20. All costs incurred in notifying the Settlement Class of the Settlement as well as in
14 administering the Settlement shall be paid as set forth in the Stipulation. In addition, Class Counsel
15 are authorized and directed to prepare any tax returns and any other tax reporting form for or in
16 respect to the Qualified Settlement Fund and to pay from the Qualified Settlement Fund any taxes
17 owed with respect to the Qualified Settlement Fund in a manner consistent with the Stipulation.

18 21. The contents of the Qualified Settlement Fund held in escrow at The Huntington
19 National Bank (which the Court approves as Escrow Agent) shall be deemed and considered to be
20 in *custodia legis* of the Court, and shall remain subject to the jurisdiction of the Court, until such
21 time as they shall be distributed pursuant to the Stipulation and/or further order(s) of the Court.

22 22. Pending the final determination of whether the Settlement should be approved, all
23 proceedings and discovery in the Action are stayed, except as specifically provided for in this Order.
24 If the Effective Date does not occur, or if the Stipulation is otherwise terminated and canceled
25 pursuant to its terms, the Parties shall be deemed to have reverted to their respective litigation
26 positions immediately prior to the execution of the Term Sheet at the May 13, 2025 mediation as
27 set forth in the Stipulation.

28 23. The Court approves the following schedule for Settlement-related activities:

<u>DATE</u>	<u>EVENT</u>
December 2, 2025	Entry of Preliminary Approval Order
December 17, 2025 (No later than 15 days from the entry of this Preliminary Approval Order).	Pursuant to 45 C.F.R. § 164.512(e)(i), Defendant is ordered to provide the Settlement Administrator with the May 2024 Notice List (including all member email addresses to the extent available) for the Settlement Administrator to provide notice to Settlement Class Members
January 16, 2026 (No later than 45 days from the entry of this Preliminary Approval Order, and 30 days after May 2024 Notice List is provided).	Last day to provide Notice to Settlement Class Members
March 12, 2026 (No later than 100 days from the entry of this Preliminary Approval Order, and 55 days after Notice is provided to Settlement Class Members).	Last day for Settlement Class Members to opt out of the Settlement Class or object to Settlement
March 12, 2026 (No later than 100 days from the entry of this Preliminary Approval Order, and 55 days after Notice is provided to Settlement Class Members).	Last day for Settlement Class Members to submit a Claim to be eligible to receive a payment from the Settlement Fund
December 22, 2025 (No later than 20 days from the entry of this Preliminary Approval Order).	Last day for Class Counsel to file motions in support of final approval of the Settlement and Fee Application
April 2, 2026 (No later than 15 days prior to the Fairness Hearing).	Last day for Parties to file with the Court any papers in further support of final approval of the Settlement and Fee Application, including responses to objections
April 2, 2026 (No later than 15 days prior to the Fairness Hearing).	Settlement Administrator to file proof of emailing/mailing of notice to Settlement Class
April 30, 2026 (No earlier than 130 days from the entry of this Preliminary Approval Order). May 7, 2026 1:30 PM	Fairness Hearing concerning final approval of Settlement

IT IS SO ORDERED.

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2 Dated: December 5, 2025

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By: 
Honorable Edward M. Chen
United States District Judge
Northern District of California

APPENDIX A**Members Who Have Chosen to Arbitrate**

Listed below are the seventeen (17) current and former Kaiser Permanente members represented by one or more of the Potter Handy, LLP (“Potter Handy”), Milberg Coleman Bryson Phillips Grossman, LLC (“Milberg”), and Bryson Harris Suciu & DeMay, PLLC (“Bryson”) law firms who are excluded from the Settlement Class:

- Milberg / Bryson law firms (10 claimants, identified by first and last initial and arbitration case number):
 1. B., T. (25-33589)
 2. C.-G., A. (25-33589)
 3. C., A. (25-33589)
 4. C., D. (25-33589)
 5. G., G. (25-33589)
 6. H., A. (25-33589)
 7. P., A. (25-33589)
 8. R., A. (25-33589)
 9. S., S. (25-33589)
 10. T., A. (25-33589)
- Potter Handy (7 claimants identified by first and last initial and arbitration case number):
 1. B., N. (A335094)
 2. C., J. (A19609)
 3. C., D. (A19606)
 4. F.J., E. (A19608)
 5. G., J. (A19604)
 6. K., M. (A19603)
 7. V., R. (A19607)

APPENDIX B

Members Who Have Chosen to Arbitrate

List below are the four (4) current and former Kaiser Permanente members represented by the Shay Legal, APC and Swigart Law Group, APC law firms who are excluded from the Settlement Class:

- Shay / Swigart law firms (4 claimants, identified by first and last initial and arbitration case number):
 1. G., D. (19644)
 2. D, J. (19648)
 3. D., D. (19649)
 4. B., E. (19650)