

**KESSLER TOPAZ
MELTZER & CHECK, LLP**
Jennifer L. Joost (Bar No. 296164)
jjoost@ktmc.com
One Sansome Street, Suite 1850
San Francisco, CA 94104
Telephone: (415) 400-3000
Facsimile: (415) 400-3001

-and-

**KESSLER TOPAZ
MELTZER & CHECK, LLP**
Joseph H. Meltzer (appearance *pro hac vice*)
jmeltzer@ktmc.com
Melissa L. Yeates (appearance *pro hac vice*)
myeates@ktmc.com
Tyler S. Graden (appearance *pro hac vice*)
tgraden@ktmc.com
Jordan E. Jacobson (Bar No. 302543)
jjacobson@ktmc.com
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

**CARELLA BYRNE CECCHI
BRODY & AGNELLO, PC**
James E. Cecchi (appearance *pro hac vice*)
jcecchi@carellabyrne.com
Michael A. Innes (*pro hac vice* forthcoming)
minnes@carellabyrne.com
Kevin G. Cooper (appearance *pro hac vice*)
kcooper@carellabyrne.com
5 Becker Farm Road
Roseland, New Jersey 07068
Telephone: (973) 994-1700
Facsimile: (973) 994-1744

*Counsel for Plaintiffs and the proposed Classes
(Additional Attorneys Listed on Signature Page)*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

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

Plaintiffs,

v.

KAISER FOUNDATION HEALTH PLAN,
INC., KAISER FOUNDATION HOSPITALS,
and KAISER FOUNDATION HEALTH
PLAN OF WASHINGTON,

Defendants.

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

**JOINT STIPULATION RE: AMENDED
APPENDICES TO AMENDED
STIPULATION OF SETTLEMENT AND
[AMENDED PROPOSED]
PRELIMINARY APPROVAL ORDER**

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

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

1 Pursuant to Local Rule 7-12, Plaintiffs John Doe, John Doe II, Jane Doe, Jane Doe II, Jane
2 Doe III, Jane Doe IV, Jane Doe V, and Alexis Sutter (“Plaintiffs”) and Defendants Kaiser Foundation
3 Health Plan, Inc., Kaiser Foundation Hospitals, the Permanente Medical Group, Inc., and Kaiser
4 Foundation Health Plan of Washington (collectively, “Kaiser”) (together, the “Parties”), by and
5 through their undersigned counsel, hereby stipulate the following:

6 WHEREAS, on December 1, 2025, the Parties filed a Joint Stipulation re: Amended
7 Stipulation of Settlement and [Amended Proposed] Preliminary Approval Order (“Joint Stipulation”)
8 in the above captioned action [ECF No.390];

9 WHEREAS, in the Joint Stipulation, the Parties submitted an Amended Stipulation of
10 Settlement and [Amended Proposed] Preliminary Approval Order that each include appendices
11 (“Appendices”) identifying certain Kaiser Permanente Members who are excluded from the
12 Settlement Class [*see* ECF No. 390-1 at 90-91; ECF No. 390-3 at 15-16];

13 WHEREAS, on December 2, 2025, counsel for certain Objectors requested that certain
14 language in the Appendices be removed for clarification;

15 WHEREAS, the Parties have agreed to amend the Appendices, as attached hereto as Exhibit
16 1 (“Amended Appendices”);

17 WHEREAS, a redline compare tracking the differences between the Appendices and the
18 Amended Appendices is attached hereto as Exhibit 1-A.

19 ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED, by the Parties hereto, as
20 follows:

- 21 1. The Amended Appendices, attached hereto as Exhibit 1, shall be the operative
22 appendices to the Amended Stipulation of Settlement; and
- 23 2. The Parties jointly request that the Court enter the [Amended Proposed] Preliminary
24 approval Order, attached hereto as Exhibit 2, which now includes the Amended
25 Appendices.

1 Dated: December 2, 2025

Respectfully submitted,

2 **KESSLER TOPAZ**
3 **MELTZER & CHECK, LLP**

CROWELL & MORING LLP

4 By: /s/ Tyler S Graden

By: /s/ Kristin J. Madigan

5 Joseph H. Meltzer (appearance *pro hac vice*)
6 jmeltzer@ktmc.com

Kristin J. Madigan

KMadigan@crowell.com

7 Melissa L. Yeates (appearance *pro hac vice*)
8 myeates@ktmc.com

3 Embarcadero Center, 26th Floor

San Francisco, CA 94111

9 Tyler S. Graden (appearance *pro hac vice*)
10 tgraden@ktmc.com

Telephone: 415.986.2800

Facsimile: 415.986.2827

11 Jordan E. Jacobson (Bar No. 302543)
12 jjacobson@ktmc.com

CROWELL & MORING LLP

Jennie Wang VonCannon (SBN 233392)

JVonCannon@crowell.com

13 280 King of Prussia Road
14 Radnor, PA 19087

515 South Flower Street, 41st Floor

Los Angeles, CA 90071

15 Telephone: (610) 667-7706

16 Facsimile: (610) 667-7056

Telephone: 213.622.4750

Facsimile: 213.622.2690

17 -and-

18 **KESSLER TOPAZ**
19 **MELTZER & CHECK, LLP**

CROWELL & MORING LLP

Jeffrey L. Poston (appearance *pro hac vice*)

JPoston@crowell.com

20 Jennifer L. Joost (Bar No. 296164)

21 jjjoost@ktmc.com

1001 Pennsylvania Avenue NW

Washington, DC 20004

22 One Sansome Street, Suite 1850

23 San Francisco, CA 94104

24 Telephone: (415) 400-3000

25 Facsimile: (415) 400-3001

Telephone: 202.624.2500

Facsimile: 202.628.5116

26 -and-

27 **CARELLA, BYRNE, CECCHI,**
28 **BRODY & AGNELLO, P.C.**

Attorneys for Defendants

Kaiser Foundation Health Plan, Inc.

Kaiser Foundation Hospitals, and

Kaiser Foundation Health Plan of Washington

James E. Cecchi (appearance *pro hac vice*)
jcecchi@carellabyrne.com

Michael A. Innes (*pro hac vice* forthcoming)
minnes@carellabyrne.com

Kevin G. Cooper (appearance *pro hac vice*)
kcooper@carellabyrne.com

5 Becker Farm Road
Roseland, New Jersey 07068

Telephone: (973) 994-1700

Facsimile: (973) 994-1744

-and-

CARELLA, BYRNE, CECCHI, BRODY &
AGNELLO, P.C.

Zachary Jacobs (appearance *pro hac vice*)

zjacobs@carellabyrne.com

222 S Riverside Plaza

Chicago, Illinois 06606

Interim Co-Lead Class Counsel

1 **LAW OFFICES OF ROBERT MACKEY**

2 Robert Mackey, Cal Bar No. 125961

3 bobmackeyesq@aol.com

4 16320 Murphy Road

5 Sonora, CA 95370

6 Telephone: (412) 370-9110

7 **MIGLIACCIO & RATHOD LLP**

8 Jason S. Rathod (*pro hac vice* forthcoming)

9 jrathod@classlawdc.com

10 412 H Street NE, No. 302

11 Washington, DC, 20002

12 Telephone: (202) 470-3520

13 *Additional Counsel for Plaintiff Alexis Sutter*

14
15 **ATTESTATION**

16 The undersigned attests that concurrence in the filing of the foregoing document was
17 obtained from all signatories.

18 DATED: December 2, 2025

19 /s/ Tyler S. Graden

20 Tyler S. Graden