

**OFFICE OF THE CLERK**  
**UNITED STATES DISTRICT COURT**  
**Northern District of California**

**CIVIL MINUTES**

**Date:** May 7, 2026

**Time:** 2:08-3:11  
1 Hour, 3 minutes

**Judge:** Edward M. Chen

**Case No.:** [23-cv-02865-EMC](#)

**Case Names:** Doe v. Kaiser Foundation Health Plan, Inc.

**Attorneys for Plaintiffs:** Tyler Graden, Joseph Meltzer, Melissa Yeates, Kevin Cooper

**Attorney for Guevara Objectors:** Jonathan Waisnor, Morris Dweck, Natalie Rico, Mark Silvey

**Attorney for Objectors (Reynolds, O’caranza, Guevara, Rodriguez, Garcia, Barkho):**  
Thomas Hoffman, Jr.

**Attorneys for Defendants:** Jeffrey Poston, Kristin Madigan

**Deputy Clerk:** Vicky Ayala

**Court Reporter:** Hilda Lopez

**PROCEEDINGS HELD VIA ZOOM WEBINAR**

Motion for Final Approval of Settlement, Motion for Attorneys’ Fees, Motion to Withdraw as Counsel Motion to Substitute Party- held

**SUMMARY**

Parties stated appearances.

The Court held a hearing on multiple motions.

- The Court granted Plaintiffs’ counsel’s motion to withdraw as counsel for John Doe III (Docket No. 346).
- The Court denied pro se litigant Ms. Sherrill’s motion to substitute for John Doe III (Docket No. 432).
- The Court deferred ruling on Plaintiffs’ motion for final approval (Docket No. 401); Plaintiffs’ motion for fees, expenses, etc. (Docket No. 402); and Objectors’ fee application (Docket No. 411).

The Court shall hold a continued hearing on the last three motions on 6/25/2026, at 1:30 p.m. The parties and objectors shall provide a status update in advance of the hearing – specifically, no later than 6/18/2026. Although the Court shall hold a continued hearing on 6/25/2026, it did make certain rulings at the hearing held on 5/7/2026. Those rulings are provided below.

- The Court considered but overruled most objections. The Court reserved ruling on the objections to the extent they challenged the fee request.
- The Court determined that no additional notice (*e.g.*, via social media) needed to be given to the class, especially since there has been the equivalent of publication notice (*e.g.*, in local media and in national media such as USA Today).
- The Court defers ruling on whether IPHI and/or Privacy Rights Clearinghouse are appropriate *cy pres* beneficiaries. The issue may well be premature if no funds remain after distribution to the class.
- Some class members have filed both settlement claims and requests to opt out. The settlement administrator has contacted all such class members, seeking clarification as to whether their intent is to stay in the class or opt out. The parties have agreed that those members who first filed claims but then later asked to opt out should be counted as opt-outs. Class members who have failed to respond to the settlement administrator's inquiries shall be counted as staying in the class, and they will receive compensation for their claims.
- Some class members have asked to opt out but failed to provide their unique settlement ID numbers as part of their requests. Notwithstanding such, the settlement administrator has been able to confirm that these class members are in fact part of the class (*i.e.*, the administrator was able to match the individual to a person in the class list). These class members shall be counted as opt-outs. No further action is required (including but not limited to follow-up by their attorneys, if they are represented).
- Some individuals have submitted opt-out requests and failed to provide their unique settlement ID numbers, **and** the settlement administrator has not been able to confirm that these individuals are in fact in the class (*e.g.*, no match can be found in the class list or there are "multiple hits" with the person's name). These individuals largely appear to be represented by one of the counsel for the objectors.
  - The Court orders objectors' counsel to contact their clients to determine whether they are in fact in the class. For these individuals to be deemed to have opted out, they must provide sufficient information to the administrator so that they can be identified. If they fail to do so within the time frame set forth by the Court herein, their opt-outs will be deemed ineffective. This will not adjudicate, however, whether any such individual was in fact part of the class in the first instance. Objectors' counsel have 30 days to communicate with their clients and to provide an update to the settlement administrator.
  - For those individuals who are **not** represented by objectors' counsel, the settlement administrator shall immediately give notice that the individuals must provide additional information so that they can be identified as part of the class or their opt-outs will be deemed ineffective. As above, however, this will not adjudicate whether any individual was in fact part of the class. Timing for responses shall be consistent with the above.

**CASE CONTINUED TO: 6/25/2026, at 1:30 PM, via Zoom for continued Motion for Final Preliminary Approval and Motion for Attorneys' Fees, and for continued Objectors' Fee Application.**