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12 Attorneys for Class Representative Plaintiffs D'ANGELO SANTANA, SASHA SAMI
SHAMON, and ALEXANDRIA N. VANDEN HEUVEL and the certified Class

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SAN DIEGO**

15 D'ANGELO SANTANA, SASHA SAMI)
16 SHAMON, and ALEXANDRIA N. VANDEN)
HEUVEL, on behalf of themselves and all others)
17 similarly situated,)

18 Plaintiffs,)

19 vs.)

20 RADY CHILDREN'S HOSPITAL-SAN)
DIEGO, a California Corporation; and DOES 1)
21 through 100, inclusive,)

22 Defendants.)

) CASE NO. 37-2014-00022411-CU-MT-CTL
) ASSIGNED FOR ALL PURPOSES TO:
) The Honorable Joel R. Wohlfeil
) Department 73

) **CONSOLIDATED CLASS ACTION**

) **PLAINTIFFS' NOTICE OF MOTION AND**
) **MOTION FOR FINAL APPROVAL OF**
) **CLASS ACTION SETTLEMENT**

) Date: January 25, 2019
) Time: 9:00 a.m.
) Dept.: C-73
) Judge: Hon. Joel R. Wohlfeil

) Complaint filed: July 8, 2014
) Trial date: September 28, 2018

1 ESTATE OF ABIGAIL MARCELENO, by and)
through her successor in interest CYNTHIA)
2 MARCELENO,)

CASE NO. 37-2014-00022652-CU-MC-CTL

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Plaintiff,

vs.

RADY CHILDREN'S HOSPITAL - SAN)
DIEGO, a California Corporation; RADY)
CHILDREN'S HEALTH SERVICES - SAN)
DIEGO, a California Corporation; RADY)
CHILDREN'S HOSPITAL AND HEALTH)
CENTER, a California Corporation; DOES 1)
through 100, inclusive,)

Defendants.

Complaint filed:

July 9, 2014

Trial date:

None set

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27 N. VANDEN HEUVEL, on behalf of themselves and all others similarly situated,

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38 Attorneys for Plaintiff ESTATE OF ABIGAIL MARCELENO

1 **TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on January 25, 2019 at 9:00 a.m. in Department C-73 of
3 the Superior Court of California, County of San Diego, located at 330 West Broadway, San Diego,
4 California, 92101, Class Representative Plaintiffs D'ANGELO SANTANA, SASHA SAMI
5 SHAMON, and ALEXANDRIA N. VANDEN HEUVEL (collectively as "Class Representative
6 Plaintiffs") will and hereby do move the Court for an Order and entry of Judgment approving the
7 Class Action Settlement between Defendant RADY CHILDREN'S HOSPITAL – SAN DIEGO
8 ("Defendant" or "Rady") and the previously certified Class defined as "*all patients (or their*
9 *parents or guardians) of Defendant Rady Children's Hospital - San Diego who were admitted in-*
10 *patient to one of Defendant's hospital, satellite or urgent care locations between July 1, 2012 and*
11 *June 30, 2013*" (the "Class"), pursuant to the parties' Settlement Agreement.

12 This motion is brought pursuant to California Rule of Court 3.769(g) and (h), which requires
13 a hearing before this Court for final approval of the proposed class action settlement, and entry of
14 judgment, the Court's inherent power to supervise class action litigation and the settlement of class
15 action cases, and the Order Granting Preliminary Approval of Class Action Settlement, entered on
16 October 26, 2018. The basis for this motion is that the proposed settlement is fair, adequate, and
17 reasonable and in the best interests of the Class as a whole.

18 The motion is based on this notice of motion, the Settlement Agreement, the October 26,
19 2018 Order Granting Preliminary Approval of Class Action Settlement, the Notice of Class Action
20 Settlement published on the Internet and mailed to the Class on November 5, 2018, the
21 accompanying memorandum of points and authorities filed concurrently herewith, the declarations
22 of appointed Class Counsel, specifically, Patrick N. Keegan, Esq., and Abbas Kazerounian, Esq.
23 filed concurrently herewith, the declarations of Class Representative Plaintiffs filed concurrently
24 herewith, and the declaration of the Settlement Administrator, specifically, Stephanie Molina, filed
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1 concurrently herewith, the records and files in this action, and any other further evidence or
2 argument that the Court may request or receive at or before the hearing of this motion.¹

3 **KEEGAN & BAKER, LLP**

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5 Dated: November 26, 2018

By: s/ Patrick N. Keegan
Patrick N. Keegan, Esq.

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7 Attorneys for Class Representative Plaintiffs
8 D'ANGELO SANTANA, SASHA SAMI
9 SHAMON, and ALEXANDRIA N. VANDEN
10 HEUVEL, and Counsel for the Certified Class
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28 ¹ Also filed herewith is a separate application for approval of an award of attorneys' fees and costs to Class Counsel, and an incentive award to the Class Representative Plaintiffs, pursuant to the October 26, 2018 Order Granting Preliminary Approval of Class Action Settlement.