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14 *Attorneys for Plaintiffs and the Class*

15 **SUPERIOR COURT OF CALIFORNIA**
16 **COUNTY OF SAN FRANCISCO**
17 **UNLIMITED JURISDICTION**

18 SHELBY STEWART, CHARLETA
19 DABROWSKI, BENEDICT JOHNSON, and
KENYA MAYFIELD, on behalf of themselves
and all others similarly situated,

20 **Plaintiffs,**

21 v.

22
23 KAISER FOUNDATION HEALTH PLAN, INC.,
24 KAISER FOUNDATION HOSPITALS, THE
PERMANENTE MEDICAL GROUP, INC., and
25 SOUTHERN CALIFORNIA PERMANENTE
MEDICAL GROUP,

26 **Defendants.**
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Case No. CGC-21-590966

**DECLARATION OF SHELBY
STEWART IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
SETTLEMENT APPROVAL AND
APPLICATION FOR SERVICE
AWARDS**

1 I, Shelby Stewart, declare as follows:

2 1. I make this statement on the basis of my personal knowledge and, if called as a
3 witness, could and would testify as to its contents. I am the Lead Class Representative in this
4 lawsuit.

5 2. Since retaining Medina Orthwein LLP and Lieff, Cabraser, Heimann & Bernstein,
6 LLP (collectively "Class Counsel"), I have stayed in regular contact with my attorneys regarding
7 the status of the case. Class Counsel have also consulted me throughout the investigation,
8 prosecution of claims, and settlement discussions with the Defendants.

9 3. I understand the responsibilities of Lead Class Representative and I have fulfilled,
10 and I continue to fulfill, my duties to the Class. I have been actively involved in all aspects of
11 this case, as described more fully below. On many occasions, I have provided Class Counsel with
12 input and advice regarding various aspects of company practices and facts supporting legal
13 claims, as well as potential interventions such as those reflected in the terms of the settlement. I
14 have vigorously represented the Class's interests pursuant to my fiduciary duties to the Class I
15 represent.

16 4. I was not promised any amount of money to serve as Lead Class Representative, or
17 in connection with my approval of this settlement or any prior settlement with Defendants. My
18 approval of this Settlement is based on my view, in light of the record and the risks, that it is in
19 the best interests of the Class.

20 5. Class Counsel consulted me about the settlement negotiations with Defendants as
21 they occurred, and I authorized my attorneys in these negotiations. I authorized this proposed
22 settlement with the Defendants for over \$11.5 million, and I believe that the proposed settlement
23 is fair, adequate, and reasonable.

24 **Benefits to the Class From My Actions as Lead Class Representative**

25 6. In my role as Lead Class Representative, I have expended substantial time and
26 effort (as more fully explained below) to perform actions that have benefited the Class at large.

27 7. Since I first retained Class Counsel in November 2018, I have spent well over 200
28 hours fulfilling my role as Lead Class Representative in this case, including participating in

1 informal discovery and mediation. A summary of my activities is as follows:

2 a. Meeting with and speaking with Class Counsel on scores of
3 occasions as part of the investigation of the case, with calls, Zoom meetings, or in-person
4 meetings often lasting over an hour and sometimes as often as several times a day, and additional
5 communications by way of frequent and regular email correspondence;

6 b. Preparing, reviewing, and finalizing my complaint;

7 c. Reviewing and/or verifying drafts of key documents, including
8 without limitation, Plaintiffs' Mediation Statement, Defendants' Mediation Statement, the
9 programmatic relief proposal, and the settlement documents;

10 d. Gathering documents and other potential evidence about
11 Defendants and about my claims to provide to Class Counsel, as well as helping my attorneys
12 understand Defendants' practices and potential witnesses so my attorneys could formulate proper
13 investigatory requests;

14 e. Meeting with my attorneys to review and discuss evidence
15 produced by Defendants and the work of our experts to assess classwide issues;

16 f. Preparing for, attending, and participating in mediation sessions in
17 San Francisco, and discussing the strategy and progress of all mediations and settlement
18 documentation in the case; and

19 g. Participating in regular conversations with class members about the
20 status of the case.

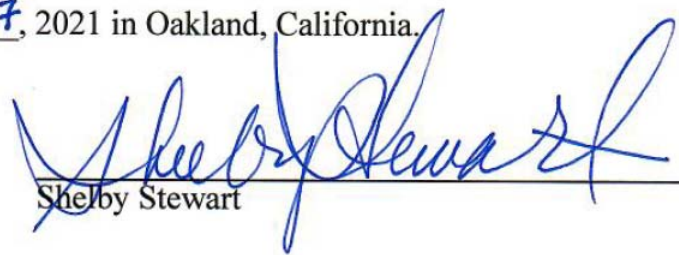
21 **Reasonable Fears of Workplace Retaliation**

22 8. I remain a part of the healthcare industry. Given this close-knit industry, and the
23 prominence and power of the Defendants in this case, I have taken substantial risks in my own
24 career by stepping forward as Lead Class Representative here. Although it may have been safer
25 not to file such a public class action, I took the risk that other companies will not hire me or that
26 patients or clients might not want to work with me because I wanted to help other Black
27 employees and those across the industry. The risk of serving as Lead Class Representative in this
28 action will continue throughout my career.

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

Executed on December 17, 2021 in Oakland, California.



Shelby Stewart