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Attorneys for Plaintiffs Acianita Lucero and Maria Spivey

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

SUSAN FUTTERMAN and ACIANITA
LUCERO, and MARIA SPIVEY, as
individuals, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

KAISER FOUNDATION HEALTH PLAN
INC., and DOES I through XX, inclusive,

Defendants.

) Case No. RG13697775

)

) *ASSIGNED FOR ALL PURPOSES TO:*

) *Judge Patrick McKinney, Department 18*

)

) **CLASS ACTION**

) (Code of Civil Procedure § 382)

)

) **[PROPOSED] ORDER GRANTING**

) **PLAINTIFFS' MOTION FOR**

) **PRELIMINARY APPROVAL OF CLASS**

) **ACTION SETTLEMENT**

)

) Reservation No.: 701138530326

)

) Hearing Date: April 22, 2026

) Hearing Time: 1:30 p.m.

) Department: 18

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) Action Filed: October 2, 2013

ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Plaintiffs Acianita Lucero and Maria Spivey's (Plaintiffs) Motion for Preliminary Approval of Class Action Settlement ("Motion") came before this Court on April 15, 2026, at 1:30 p.m. The Court, having considered the proposed Class Action Settlement Agreement attached as Exhibit 1 to the Declaration of Latika Malkani filed concurrently with the motion, and the exhibits attached thereto; having considered Plaintiffs' unopposed Motion, Memorandum of Points and Authorities in support thereof, and supporting declarations filed therewith; and good cause appearing thereto, hereby ORDERS the following:

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Class Action Settlement Agreement attached as Exhibit 1 to the Declaration of Latika Malkani and the Amended Class Action Settlement Agreement filed by the Parties on April 21, 2026, and finds the terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a final fairness hearing.
2. It appears to the Court on a preliminary basis that the Settlement is fair, adequate and reasonable. It appears to the Court that extensive investigation and research have been conducted such that counsel for the parties at this time are able to reasonably evaluate their and each others' respective positions. It further appears to the Court that the Settlement, at this time, will avoid substantial costs by all parties, as well as avoid the delay and risks that would be presented by further litigation of the case. Further, it appears the settlement was reached as a result of intensive, serious and non-collusive, arms-length negotiations, and was entered into in good faith.
3. The Court approves the language for the class action settlement notice as stated in Plaintiffs' Memorandum of Points and Authorities and the amended language filed by the Parties on April 21, 2026.
4. The Court authorizes publication of the class action notice by posting on the Defendant's website, via the method stated in the Plaintiffs' Memorandum of

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Points and Authorities.

5. A final fairness hearing on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department 18 of this Court on September 9, 2026, at 1:30 p.m.
6. At the final fairness hearing, the Court will consider: a) whether the Settlement should be approved as fair, reasonable and adequate for the class; b) whether a judgment granting final approval of the Settlement should be entered; and c) whether Plaintiffs’ application for an award of reasonable attorneys’ fees, reimbursement of litigation expenses, and class representative service payment should be granted.
7. The implementation schedule is outlined below:

Event	Dates
Posting Notice on Website for ninety (90) days, within five (5) days after entry of Preliminary Approval Order	April 27, 2026 – July 27, 2026 (estimated)
Plaintiffs to file motion for an award of attorneys’ fees, costs, and service award	Per Code
Plaintiff to file motion for final approval of settlement	Per Code
Hearing on Motion for Final Approval and motion for an award of attorneys’ fees and costs	September 9, 2026

IT IS SO ORDERED.

DATED: _____, 2026 By: _____
HON. PATRICK MCKINNEY