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Superior Court of California
County of Los Angeles

NOV 19 2018

Sherri R. Carter, Executive Officer/Clerk of Court
By: Isaac Lovo, Deputy

15 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **IN AND FOR THE COUNTY OF LOS ANGELES**

18 **REBECCA LEHMAN & HEATHER**
19 **WOMICK, individually, and on behalf of others**
20 **similarly situated,**

21 **Plaintiffs,**

22 **v.**

23 **HEALTH NET OF CALIFORNIA, INC., and**
24 **HEALTH NET LIFE INSURANCE**
COMPANY and DOES 1 through 100 inclusive,

25 **Defendants.**

Case No.: BC567361

CLASS ACTION

**NOTICE OF ENTRY OF FINAL
JUDGMENT**

Judge: Hon. Kenneth R. Freeman
Dept.: 14

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on November 8, 2018, the Honorable Kenneth R. Freeman entered
3 the Final Judgment and Final Order Granting Final Approval of Class Action Settlement, Award of
4 Attorneys' Fees, Payments to Class Representatives, and Reimbursement of Expenses in the above-
5 referenced matter, a true and correct copy of which is attached hereto as Exhibit A.

6
7 DATED: November 19, 2018

By: 

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Exhibit A

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Superior Court of California
County of Los Angeles

NOV 08 2018

Sherri R. Carter, Executive Officer/Clerk
By: Roxanne Arzaga, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

REBECCA LEHMAN & HEATHER
WOMICK, individually and on behalf of
all others similarly situated;

Plaintiffs,

v.

HEALTH NET OF CALIFORNIA, INC.,
and HEALTH NET LIFE INSURANCE
COMPANY and DOES 1 through 100
inclusive,

Defendants.

Case No.: BC567361

CLASS ACTION

~~RECEIVED~~ FINAL JUDGMENT AND
~~RECEIVED~~ FINAL ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, AWARD OF ATTORNEYS'
FEES, PAYMENTS TO CLASS
REPRESENTATIVES, AND
REIMBURSEMENT OF EXPENSES

Judge: Hon. Kenneth R. Freeman
Dept.: 14

RECEIVED
LOS ANGELES SUPERIOR COURT

OCT 17 2018

I. LOVO

~~RECEIVED~~ FINAL JUDGMENT AND ~~RECEIVED~~ FINAL ORDER GRANTING FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, AWARD OF ATTORNEYS' FEES, PAYMENTS TO CLASS REPRESENTATIVES &
REIMBURSEMENT OF EXPENSES

1 Plaintiffs' Application for Final Approval of Class Action Settlement, Order Approving
2 Attorneys' Fees, Payments to Class Representatives, and Reimbursement of Expenses came on for
3 hearing before this Court on July 12, 2018.

4 The Court grants the Application for Final Approval of Class Action Settlement, Order
5 Approving Attorneys' Fees, Payments to Class Representatives, and Reimbursement of Expenses
6 ("Final Approval Order").

7 In accordance with the Court's Final Approval Order, a true and correct copy of which is
8 attached hereto as Exhibit 1 and incorporated by reference herein, it is hereby ORDERED,
9 ADJUDGED, AND DECREED that:

10 1. The Court enters final judgment consistent with the terms set forth in the Final
11 Approval Order.

12 2. As set forth in the Final Approval Order, the Court retains jurisdiction over the
13 injunctive relief agreed to by the Parties in the Settlement Agreement executed on October 16, 2018
14 and filed with the Court on October 17, 2018.

15 3. Jurisdiction is retained by the Court for the purpose of enabling any party to the
16 Judgment to apply to the Court at any time for such further orders and directions as may be
17 necessary or appropriate for the construction or the carrying out of this Final Judgment, for the
18 modification of any of the injunctive provisions hereof, and for enforcement of compliance
19 herewith.

20 **NOV 08 2018**
21 DATED: _____

KENNETH R. FREEMAN

The Honorable Kenneth R. Freeman
Los Angeles County Superior Court Judge

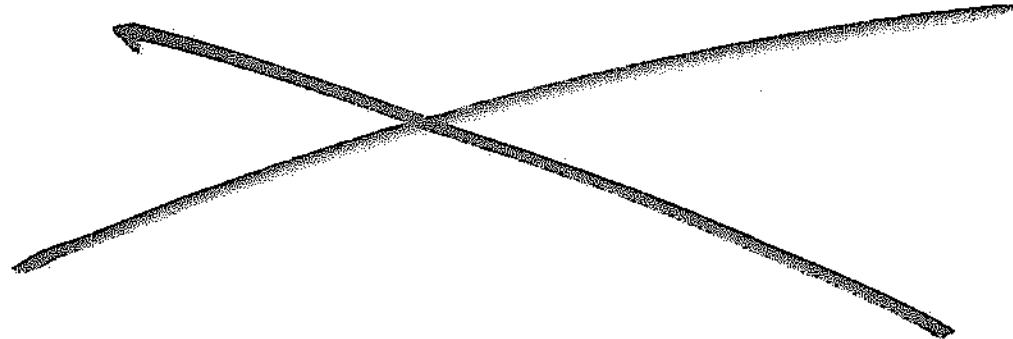


EXHIBIT 1

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

NOV 08 2018

Sherril R. Carter, Executive Officer/Clerk
By: Roxanne Arraigo, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

REBECCA LEHMAN & HEATHER
WOMICK, individually and on behalf of all
others similarly situated;

Plaintiffs,

v.

HEALTH NET OF CALIFORNIA, INC., and
HEALTH NET LIFE INSURANCE
COMPANY and DOES 1 through 100
inclusive,

Defendants.

Case No.: BC567361

CLASS ACTION

**ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, AWARD OF
ATTORNEYS' FEES, PAYMENTS TO
CLASS REPRESENTATIVES, AND
REIMBURSEMENT OF EXPENSES**

Judge: Hon. Kenneth R. Freeman
Dept.: 14

RECEIVED
LOS ANGELES SUPERIOR COURT

OCT 17 2018

L LOVO

ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT, AWARD OF ATTORNEYS' FEES, PAYMENTS TO CLASS REPRESENTATIVES, AND REIMBURSEMENT OF EXPENSES

1 THIS MATTER having been brought before the Court on Motion jointly by Plaintiffs
2 REBECCA LEHMAN and HEATHER WOMICK, ("Plaintiffs" or "Class Representatives") and
3 by Defendants HEALTH NET OF CALIFORNIA, INC., and HEALTH NET LIFE INSURANCE
4 COMPANY ("Health Net"), through their respective attorneys under California Rules of Court,
5 Chapter 6, rules 3.769 et seq., for an Order granting final approval of a class action settlement (the
6 "Motion"); and the Court having reviewed and considered the submissions of the Parties both in
7 connection with preliminary approval of the settlement and final approval of the settlement,
8 considering no Settlement Class Members objected to the proposed class action settlement, and
9 having held a hearing on July 12, 2018, at which time the Court heard and considered the
10 arguments, comments and evidence submitted by the Parties, and having found that the Parties are
11 entitled to the relief they seek; and for good cause shown;

12 The Court makes the following findings of fact and conclusions of law:

13 1. With respect to the Settlement Class,¹ the Court finally finds and concludes, for
14 settlement purposes only, that: (a) the Settlement Class Members are so numerous as to make
15 joinder of them impracticable; (b) there are questions of law and fact common to the Settlement
16 Class, and such questions predominate over any questions affecting only individual Settlement
17 Class Members; (c) the Class Representatives' claims and the defenses asserted thereto are typical
18 of the claims of Settlement Class Members and the defenses asserted thereto; (d) Class
19 Representatives and Settlement Class Counsel have fairly and adequately protected the interests of
20 Settlement Class Members throughout this action; and (e) a class action is superior to all other
21 available methods for fairly and efficiently resolving this action and provides substantial benefits
22 to both the litigants, the Settlement Class Members and the Court. The Court therefore determines
23 that this action satisfies the prerequisites for class certification for settlement purposes under
24 California Code of Civil Procedure section 382, California Civil Code section 1781, and California

25
26 ¹ Unless otherwise specified, all defined terms in this Order have the same meaning as the meaning
27 described in the Settlement Agreement and the Order Granting Motion for Preliminary Approval
28 of Class Action Settlement and Directing Dissemination of Class Notice entered on April 9, 2018
("Preliminary Approval Order"), and those terms are incorporated here by this reference. To the
extent there is any conflict between the definitions of those terms, the definitions in the Settlement
Agreement will control.

1 Rules of Court, Chapter 6, rules 3.769 et seq., as applicable, and finally certifies the Settlement
2 Class for settlement purposes.

3 2. Notice to the Settlement Class of the terms of this settlement and of their options
4 has been provided to members of the Settlement Class in accordance with the terms of the
5 Preliminary Approval Order. Such settlement notice has been provided in an adequate and
6 sufficient manner, constitutes the best notice practicable under the circumstances and satisfies the
7 requirements of due process. The settlement notice program approved by the Court adequately
8 apprised the members of the Settlement Class of the pendency of the litigation, of all material
9 elements of the proposed settlement, of the effect of final approval of the settlement on the members
10 of the Settlement Class, and of their opportunity to opt out of the settlement, to comment on and
11 object to the settlement, and to appear at the Fairness Hearing. Full opportunity has been afforded
12 to the members of the Settlement Class to participate in this Fairness Hearing. Accordingly, the
13 Court determines that all members of the Settlement Class who have not opted out are bound by
14 this Order and by the final judgment to be entered pursuant thereto.

15 3. The Amended Settlement Agreement and Release executed on October 16, 2018
16 and filed with the Court on October 17, 2018, (the "Settlement Agreement"), was arrived at after
17 extensive arm's-length negotiations conducted in good faith by counsel for all parties in this action,
18 a private mediation and meetings among the parties, and is supported by the majority of the
19 members of the Settlement Class. As of the last date by which requests for exclusion were to be
20 postmarked in accordance with the terms of the Preliminary Approval Order, by June 25, 2018,
21 only one Settlement Class Member opted out of the Settlement Class: Brandi Payton. One opt-out
22 is minimal when compared to the total number of members of the Settlement Class. The terms of
23 this Order and the Settlement Agreement do not apply to the person referenced above, or to any
24 other persons the Parties agree in writing submitted timely and valid requests for exclusion.

25 4. The settlement set forth in the Settlement Agreement is fair, reasonable and adequate
26 in light of the complexity, expense and duration of this litigation, and the risks inherent and
27 involved in establishing liability and damages, and in maintaining the class action through trial and
28 appeal. This litigation presents difficult and complex issues as to liability and the relief to be

1 afforded members of the Settlement Class, as to which there are substantial grounds for difference
2 of opinion. It is also fair, reasonable and adequate when weighing the benefits afforded to the
3 Settlement Class against the uncertainties and difficulties associated with obtaining class
4 certification for merits purposes, the expense and length of time necessary to prosecute this action
5 through trial, the uncertainties of the outcome of this action, and the fact that resolution of the class
6 claims, whenever and however determined, will likely be submitted for appellate review. In
7 addition, there have been extensive arms'-length negotiations between counsel for all Parties in this
8 action overseen by Robert A. Kaplan of Judicate West, a well-respected mediator in the class action
9 and health care litigation fields, and the exchange of detailed information regarding the health plans
10 at issue. The promises and commitments of the Parties under the terms of the Settlement
11 Agreement, including the injunctive relief provisions contained therein, thus constitute fair value
12 given in exchange for the releases of the Released Claims against the Released Parties in the light
13 of such factors and the information in the Parties' possession at the time the settlement was
14 negotiated and agreed to by the Parties.

15 5. The Parties and each Settlement Class Member have submitted to the jurisdiction of
16 this Court for any suit, action, proceeding, or dispute arising out of the Settlement Agreement,
17 permitting the Court to retain continuing jurisdiction over this action to ensure the terms of this
18 settlement are fully effectuated. It is in the best interests of the Parties and the Settlement Class
19 Members, and consistent with principles of judicial economy, that any dispute between any
20 Settlement Class Member (including any dispute as to whether any person is a Settlement Class
21 Member) and any of the Released Parties that in any way relates to the applicability or scope of the
22 Settlement Agreement, including the injunctive relief provisions contained therein, or of this Order,
23 should be presented exclusively to this Court for resolution by this Court.

24 Based upon the foregoing findings of fact and conclusions of law, which are based upon
25 and supported by the substantial evidence presented by both the Parties hereto and members of the
26 Settlement Class, all of which the Court has considered and is in the record before the Court,
27 IT IS ORDERED as follows:
28

1 1. The Parties' Motion for Final Approval of all the terms set forth in the Settlement
2 Agreement is GRANTED.

3 2. Because the Court determines that this action satisfies the prerequisites for class
4 certification for settlement purposes under California Code of Civil Procedure section 382,
5 California Civil Code section 1781, and California Rules of Court, Chapter 6, Rules 3.769 et seq.,
6 as applicable, the Court reaffirms its ruling in the Preliminary Approval Order as to the propriety
7 of class certification for settlement purposes and finally certifies the Settlement Class for settlement
8 purposes.

9 3. The Settlement Agreement submitted by the parties is finally approved as fair,
10 reasonable, adequate, just, and in the best interests of the Settlement Class, particularly in light of
11 the factors set forth above and in the submissions of the Parties in connection with both preliminary
12 and final approval of this settlement.

13 4. The proposed method for providing relief to Settlement Class Members, as set forth
14 in the Settlement Agreement, is finally approved as fair, reasonable, adequate, just, and in the best
15 interests of the Settlement Class, and the Parties are hereby ordered to provide and comply with the
16 relief described in the Settlement Agreement in accordance with the terms of the Settlement
17 Agreement.

18 5. For class members who do not cash their settlement checks, any Settlement Funds
19 payable to those class members will be distributed as provided for in the Settlement Agreement.

20 6. The payment of attorneys' fees and reimbursement of expenses to Settlement Class
21 Counsel in the amount of \$625,000, and the payment to the two Class Representatives in the amount
22 of \$5,000 each, as set forth in the Settlement Agreement, are approved. These amounts and all
23 valid claims shall be paid and distributed in accordance with the provisions of the Settlement
24 Agreement. The Settlement Administrator's fees and costs, to be paid by Defendants, are
25 \$50,144.96.

26 7. By operation of this Order and the Final Judgment, effective as of the Settlement
27 Effective Date, and in consideration of the Settlement Agreement and the benefits extended to the
28 Settlement Class, the Class Representatives, on behalf of themselves and the Settlement Class

1 Members, and each Settlement Class Member, on behalf of himself or herself and his or her
2 respective successors, assigns, past, present, and future parents, subsidiaries, joint venturers,
3 partnerships, related companies, affiliates, unincorporated entities, divisions, groups, directors,
4 officers, shareholders, employees, agents, representatives, servants, partners, executors,
5 administrators, assigns, predecessors, successors, descendants, dependents, and heirs, do or by
6 operation of this Final Order and Judgment are deemed to have fully released and forever
7 discharged the Released Parties from the Released Claims in accordance and consistent with the
8 terms of the Settlement Agreement, but not as to any obligations created or owed under the terms
9 of the Settlement Agreement. In addition, by operation and entry of this Final Order and Judgment,
10 Plaintiffs and Defendants shall have, and each and every Settlement Class Member and Released
11 Party shall be deemed to have, on behalf of their respective successors, assigns, past, present, and
12 future parents, subsidiaries, joint venturers, partnerships, related companies, affiliates,
13 unincorporated entities, divisions, groups, directors, officers, shareholders, employees, agents,
14 representatives, servants, partners, executors, administrators, assigns, predecessors, successors,
15 descendants, dependents, and heirs, covenanted and agreed to forever refrain from instituting,
16 maintaining, or proceeding in any action against the Plaintiffs, Plaintiffs' Counsel or the Released
17 Parties, with respect to any of the Released Claims as applicable, but not as to any obligations
18 created or owed under the terms of the Settlement Agreement.

19 8. The terms of this Release shall not apply to Brandi Payton, who timely excluded
20 herself from the terms of this settlement, or to any other Persons the Parties agree in writing
21 submitted timely and valid requests for exclusion.

22 9. Without affecting the finality of the judgment entered under this Final Order and
23 Judgment, this Court retains continuing jurisdiction over this settlement, including the
24 administration, consummation, and enforcement of the Settlement Agreement, the injunctive relief
25 provisions set forth in the Settlement Agreement, and the provision of benefits to the Settlement
26 Class Members. Without affecting the finality of the Judgment entered with this Order, this Court
27 also retains jurisdiction over the Parties, the Released Parties, and each member of the Settlement
28 Class, who are deemed to have submitted to the exclusive jurisdiction of this Court for any suit.

1 action, proceeding or dispute arising out of or relating to this Order and the terms of the Settlement
2 Agreement.

3 10. By July 10, 2019, the Parties will provide the Court a declaration regarding the
4 distribution of any *cy pres* moneys as required under Code of Civil Procedure section 384.

5 11. The Court finds that there is no reason for delay and directs the Clerk to enter
6 judgment in accordance with the terms of this Order as of the date of this Order.

7
8 DATED: NOV 08 2018

KENNETH R. FREEMAN

The Honorable Kenneth R. Freeman
Los Angeles County Superior Court Judge

