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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

STACIA STINER; RALPH CARLSON, in his
 capacity as Trustee of the Beverly E. Carlson and
 Helen V. Carlson Joint Trust; LORESIA
 VALLETTE, in her capacity as representative of
 the Lawrence Quinlan Trust; MICHELE LYTLE,
 in her capacity as Trustee of the Boris Family
 Revocable Trust; RALPH SCHMIDT, by and
 through his Guardian Ad Litem, HEATHER
 FISHER; PATRICIA LINDSTROM, as successor-
 in-interest to the Estate of ARTHUR
 LINDSTROM; BERNIE JESTRABEK-HART;
 and JEANETTE ALGARME; on their own
 behalves and on behalf of others similarly situated,

Plaintiffs,

v.

BROOKDALE SENIOR LIVING, INC.;
 BROOKDALE SENIOR LIVING
 COMMUNITIES, INC.; and DOES 1 through 100,
 Defendants.

Case No. 4:17-cv-03962-HSG (LB)

**DECLARATION OF KATHRYN A.
 STEBNER IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 REASONABLE ATTORNEYS' FEES,
 COSTS AND EXPENSES**

Date: October 16, 2025
 Time: 2:00 p.m.
 Crtrm.: 2, 4th Floor

Judge: Hon. Haywood S. Gilliam, Jr.

1 I, Kathryn Stebner, hereby declare,

2 1. I am an attorney duly licensed to practice before all the courts of the State of
3 California and am a member in good standing of the State Bar of California. I am the principal of
4 the law firm of Stebner Gertler & Guadagni (“Stebner firm”) and am one of the Class Counsel in
5 the above captioned matter (the “Action”). I am submitting this Declaration in support of
6 Plaintiffs’ Motion for Reasonable Attorneys’ Fees, Costs and Expenses. Unless otherwise
7 indicated, I have personal knowledge of the facts set forth herein. If called upon to testify, I could
8 and would do so competently.

9 **Background and Experience**

10 2. Over the course of this litigation, I have been privileged to work with talented and
11 dedicated co-counsel and supporting personnel, representing the interests of the Named Plaintiff
12 and the Settlement Classes. The credentials and experience of these extraordinary lawyers and
13 support personnel are set forth in the declarations submitted by other Class Counsel, who together
14 with my firm, were appointed as such by the Court on March 23, 2023, (*Stiner v. Brookdale*
15 *Senior Living, Inc.*, 665 F. Supp. 3d 1150 (N.D. Cal. 2023)), and reaffirmed on July 22, 2024
16 (*Stiner v. Brookdale Senior Living, Inc.*, No. 4:17-cv-03962-HSG (LB), 2024 WL 3498492 (N.D.
17 Cal. July 22, 2024)).

18 3. Class Counsel have substantial experience in class action litigation and, in
19 particular, consumer class action cases involving elderly and disabled residents of assisted living
20 facilities and skilled nursing facilities. Class Counsel are highly regarded members of the bar. We
21 brought a unique blend of expertise and skill, including specialized knowledge in long-term care
22 facility class actions and complex litigation vital to the success of this case.

23 4. I have been practicing law since 1985, prosecuting elder abuse cases since 1987,
24 and practicing solely in the elder abuse area for over twenty years. I have been actively involved
25 with California’s leading elder advocacy group, California Advocates for Nursing Home Reform
26 (“CANHR”) since 1987 as a member of the Board of Directors and also a member of the Legal
27 Referral Service Advisory Board, and have sat on the California Bar-sanctioned lawyer referral
28 panel of CANHR for Elder and Dependent Abuse Civil Protection Act (EADCPA) cases since

2002. I have tried more than twenty trials and arbitrations. Among other publications, I am the author of two chapters in the CEB treatise on elder abuse, including financial elder abuse, as well as the book *Elder Law Litigation Strategies: Leading Lawyers on Understanding the Changing Landscape of Elder Law Litigation and Its Effect on Client Needs*.

5. My year-long tenure as the President of the Consumer Attorneys of California (CAOC) ended in 2024; I have been a member of its Board of Governors for twenty years. I am a Past-President of the San Francisco Trial Lawyers' Association (SFTLA). I have lectured on numerous occasions regarding elder abuse cases, including several lectures on class action law and the use of Business & Professions Code section 17200 and the CLRA in Elder Abuse actions. I have also testified on several occasions before the California Assembly and Senate on bills pertaining to elder abuse and elder rights.

6. Along with others in the Plaintiffs' Counsel group, I have been approved by California state and federal courts to serve as Class Counsel in numerous other consumer class actions against assisted living facilities and skilled nursing facilities. I have experience representing elder and dependent plaintiffs in seven other California class action cases against owners of assisted living facilities. Six of the other California class actions against assisted living facility operators have settled:¹ *Winans v. Emeritus Corporation* (N.D. Cal., Case No. 3:13-cv-03962-HSG) was settled in 2015, and had been pending in the U.S. District Court, Northern District of California; *Carnes v. Atria Senior Living, Inc.* (N.D. Cal., Case No. 3:14-cv-02727-VC) was settled in 2016, and had been pending in the U.S. District Court, Northern District of California; *Lollock, et al. v. Oakmont Senior Living, LLC, et al.* (Superior Court of California, County of Alameda, Case No. RG17875110) was settled in 2020, and had been pending in the Superior Court of California, County of Alameda; and *Newirth, et al. v. Aegis Senior Communities, LLC* (N.D. Cal., Case No. 4:16-cv-03991-JSW) was settled in 2021, and had been pending in the U.S. District Court for the Northern District of California; *Heredia v. Sunrise Senior Living, LLC, et al.* (Case No. 8:18-cv-01974-JLS (JDEx)) was settled in 2024, and had

¹ The other matter is *Martinez v. Merrill Gardens, LLC, et al.*, Case No. 22CV393882, currently pending in Superior Court of California, County of Santa Clara.

1 been pending in the U.S. District Court for the Central District of California; and *DeCarlo v.*
 2 *Watermark Retirement Communities, LLC, et al.* (Case No. 2:23-cv-01659-DSF-RAO)), was
 3 settled in 2025, and had been pending in the U.S. District Court for the Central District of
 4 California.²

5 7. Along with several co-counsel in this case, I have also represented the plaintiffs in
 6 class actions filed against skilled nursing facility chains alleging system-wide violations of
 7 minimum nurse staffing requirements in California. One of these actions, *Wehlage v. EmpRes*
 8 *Healthcare, Inc., et al.*, Case No. 10-05839 CW, was settled in 2013, and had been pending in the
 9 Northern District of California. Another action, *Walsh v. Kindred Healthcare, et al.*, Case No. 11-
 10 00050 JSW, pending in the Northern District of California, also was settled in 2013. Six other
 11 cases, *Valentine v. Thekke Health Services, Inc.*, No. RG-10546266 in Alameda County Superior
 12 Court in front of the Hon. Robert Freedman; *Montreuil v. The Ensign Group, Inc.*, No. BC449162
 13 in Los Angeles County Superior Court; *Hernandez v. Golden Gate Equity Holdings, LLC*, No.
 14 CGC-10-505288 in San Francisco County Superior Court; *Shuts v. Covenant Holdco LLC*, No.
 15 RG 10551807 in Alameda County Superior Court in front of the Hon. Wynne Carvill; *Dalao v.*
 16 *LifeHouse Holdings, LLC*, No. RG12660602 in Alameda County Superior Court in front of the
 17 Hon. Wynne Carvill; *Correa v. SnF Management Company, LLC*, No. RG-13664498 in Alameda
 18 County Superior Court in front of the Hon. Wynne Carvill; *Regina v. Hycare, Inc.*, No. RG-
 19 12647573 in Alameda County Superior Court originally in front of the Hon. Wynne Carvill and
 20 later in front of the Hon. George Hernandez, Jr., have also now settled.

21 **Support For Class Action Settlement**

22 8. By virtue of my decades of experience in elder litigation and class actions
 23 addressing understaffing in assisted living, I agreed to join my Co-Counsel representing Plaintiffs
 24 and the Settlement Classes in this matter. I am familiar with the claims and defenses asserted, as
 25 well as the key evidence adduced in the lawsuit, as described herein.

26
 27
 28 ² The courts in *Sunrise* and *Watermark* retain jurisdiction in those matters as the defendants
 continue to comply with their obligations under the Stipulated Injunctions entered in each case.

1 9. As set forth in the Declarations of my Co-Counsel, the attorneys and law firms
2 representing Plaintiffs each bring unique expertise that was pivotal to the significant recovery
3 obtained for Plaintiffs and the Settlement Classes. In particular, attorneys at the Stebner firm
4 brought to bear their years of experience in elder and class action litigation in all phases of this
5 years-long litigatoin from beginning to end.

6 10. The Stebner firm conducted early witness and class representative interviews and
7 assisted in the development of the factual allegations that gave rise to the initial Complaint.

8 11. Stebner firm attorneys were assigned responsibility for drafting discovery and
9 developing evidence necessary for class certification, including but not limited to discovery
10 related to:

- 11 a. the nature of Brookdale's staffing policies and practices and resident assessment
- 12 system,
- 13 b. the existence and use of a common staffing formula at Brookdale and the means of
- 14 its enforcement,
- 15 c. whether Brookdale's task times for care services and labor benchmarks were
- 16 sufficient to provide promised services to the residents,
- 17 d. the disability profile of Brookdale's resident population in California,
- 18 e. the nature and quality of services Brookdale provides to residents at its RCFEs in
- 19 California,
- 20 f. Brookdale's corporate structure and the control exercised by the corporate parent in
- 21 facilitating the company's use of a defective staffing formula.

22 12. The Stebner firm's discovery work necessarily resulted in close collaboration with
23 Plaintiffs' assisted living experts, with regard to class certification and the merits and to rebut the
24 testimony of Defendants' experts, as described more fully below.

25 13. Throughout the course of the litigation, I and other Stebner firm attorneys
26 participated in regular conference calls and video conferences with Co-Counsel. These meetings
27 addressed the priority issues facing Plaintiffs and covered all the major litigation events since
28

1 inception. These strategy sessions were invaluable in Class Counsel's ability to direct assignments
2 in an efficient manner to the attorneys and firms best suited to handle them.

3 14. Together with other Class Counsel, I and other Stebner firm attorneys participated
4 in discovery and motion practice in this heavily-litigated case. As discussed in more detail below,
5 Stebner firm attorneys assisted in the compulsion of voluminous amounts of electronic assessment
6 and other staffing data that was used to conduct the shortfall staffing analysis Plaintiffs offered un
7 support of class certification and the merits of the named Plaintiffs' claims. Stebner firm attorneys
8 also assisted in the briefing on class certification (including the motion for subclasses), writing
9 discrete sections of the supporting and reply memoranda. The Stebner firm also worked closely
10 with Plaintiffs' assisted-living and data experts on compiling their supporting declarations and
11 opposing Defendants' motions to exlude their testimony. The Stebner firm also authored a number
12 of the motions to exlcude certain testimony of Defendants' data and assisted living experts.

13 15. The Stebner firm assisted Plaintiffs' pre-trial efforts by drafting a number of
14 Motions in Limine directed at certain opinions offered by Defendants' data experts, Dr. Sheldon
15 Jacobson and Dr. Ali Saad (ECF 511), and Defendant's assisted living expert, Josh Allen, R.N.
16 (ECF 882, 892). The Stebner firm also was primarily responsible for drafting Plaintiffs' Motion in
17 Limine to exclude evidence and argument of class member conduct as defense to access claims
18 (ECF 942), Motion in Limine opposing motion to exclude 2017 letter from Plaintiffs' counsel to
19 Defendants and associated testimony (ECF 956), and Motion in Limine opposing motion to
20 exclude untimely expert opinions from Gary Waters and Jeffrey Mastin (ECF 958).

21 16. I participated in the Class Counsel team that represented the interests of the Named
22 Plaintiffs and the Class in the mediation and settlement efforts. I attended the October 2019 and
23 September 2021 mediation sessions with Judge Edward A. Infante (Ret.) at JAMS. Mr. Umpierre
24 participated for the Stebner firm at the four Mandatory Settlement Conference sessions with
25 Magistrate Judge Joseph C. Spero that began in October 2024. Mr. Umpierre also participated in
26 the several meet and confer sessions and the exchange of draft settlement papers leading up to the
27 parties' final agreement.
28

17. Among other documents related to the settlement, I have reviewed the Settlement Stipulation, Addendum to the Settlement Stipulation, and Injunction agreed to as part of the settlement.

18. For the reasons described in Plaintiffs' motion for final approval and supporting documents, I recommend the settlement for Court approval.

Lodestar Fees

19. As of July 15, 2025 my firm has worked 3,055 hours and incurred fees of \$2,931,159.00 in connection with the prosecution of this case.

20. The primary timekeepers from the Stebner firm who have worked on the case include the following:

Timekeeper	Title	Bar Admission Date
Kathryn A. Stebner	Partner	1985
Sarah Colby	Of Counsel	1997
Brian Umpierre	Attorney	2005
Kelly Knapp	Attorney	2007
George Kawamoto	Attorney	2011

21. The specific work performed by Stebner-firm timekeepers is described in billing records that are being submitted with Plaintiffs' motion for reasonable attorneys' fees, costs, and expenses. Those records also list the hourly rate charged for each timekeeper. In the exercise of billing judgment, the de minimis hours of time incurred by Stebner-firm timekeeper George Kawamoto were eliminated from Plaintiffs' fee request. In addition to liberal billing judgment reductions such as these, we also applied a 10% across-the-board reduction to further account for any time that might possibly be considered duplicative or excessive, and to account for Plaintiffs' overall success in this matter.

Coordination Between Class Counsel

22. This complex class action case required diverse areas of specialized expertise, ranging from an experienced understanding of how assisted living facilities operate and staff, to

1 the intricacies of the Americans with Disabilities Act and its labyrinth of implementing regulations
2 – all within the context of the nuances of class certification proceedings at trial (and potentially
3 appellate levels).

4 23. The work of the Classes required multiple firms to share the workload and burden
5 of litigation costs and expenses. In an effort to minimize duplication of effort, the respective Class
6 Counsel firms took lead responsibility for various aspects of the case prosecution. The complete
7 description of work performed is contained in the detailed billing records submitted to the Court in
8 connection with Plaintiffs' fee application. An overview of the responsibilities of the attorneys at
9 my firm is as follows:

10 24. George Kawamoto is a former partner of the Stebner firm. For over a decade he
11 worked on numerous individual as well as class and complex physical and financial elder abuse
12 lawsuits for the firm, including extensive work on the individual lawsuits and class actions our
13 firm has brought against assisted living facility chains and skilled nursing facility chains. He has
14 also lectured and authored articles regarding elder abuse litigation. As regards the instant matter,
15 Mr. Kawamoto assisted Plaintiffs' discovery efforts primarily by facilitating Class Counsels'
16 communications with the Community Care Licensing Division of California's Department of
17 Social Services regarding Plaintiffs' document subpoenas. Any time which he spent on a class
18 action case, such as the instant action, took away from time he could be spending on our other
19 actions. While with the Stebner firm, Mr. Kawamoto spent approximately 50% of his time on
20 class action cases.

21 25. Kelly Knapp was an associate attorney at the Stebner firm until March 2018. A
22 seasoned attorney with more than a decade of experience, she worked on numerous class action
23 lawsuits, including extensive work on the class actions our firm brought against long term care
24 facilities. Prior to her employment at the Stebner firm, Ms. Knapp also worked on numerous other
25 complex actions pertaining to prison rights reforms. Ms. Knapp's practice at the Stebner firm was
26 devoted almost entirely to the litigation of class action and complex actions. Thus, any time which
27 she spent on one class action case, such as the instant action, took away from time she could have
28 spent on our other actions. During her employment with SGG and the pendency of this case, we

1 had several class actions and other complex litigation actions against assisted living facility
2 companies in California.

3 26. Ms. Knapp assisted in this case at its inception, meeting with an interviewing
4 percipient witnesses and potential class representatives as she gathered factual allegations that
5 gave rise to the filing of the initial Complaint. Thus, before this case was filed in July 2017, Ms.
6 Knapp engaged in background investigation and research efforts emanating from complaints about
7 caregiver understaffing at Brookdale RCFEs in California under my direction. In interviews and
8 meetings, Ms. Knapp communicated with former residents and their loved ones about their
9 experiences at Brookdale, including with understaffing. Many of the factual allegations that
10 underlay the initial demand under the CLRA and Complaint were obtained through Ms. Knapp's
11 communications with putative class members. Ms. Knapp's efforts also prepared me for an early
12 meeting with my Co-Counsel Guy Wallace and Defendants' counsel to discuss the concerns
13 outlined in the CLRA demand letter. Ms. Knapp continued thereafter to assist in all phases of the
14 litigation, including drafting discovery and public records requests and briefing on Defendants'
15 motion to dismiss and to strike in 2019, before her departure from the Stebner firm.

16 27. Sarah Colby was Of Counsel at the Stebner firm in 2019, bringing her two decades
17 worth of experience to assist in this case with the drafting of Plaintiffs' opposition to Defendants'
18 Motion to Dismiss and Motion to Strike Class Allegations, as well the drafting of the initial
19 Complaint. Ms. Colby also lent her voluminous class action knowledge and experience to the
20 development of Plaintiffs' theory on class certification and other complex issues that arose during
21 this highly-litigated case. A 1990 graduate of Princeton University in 1990, Ms. Colby received
22 her J.D. from the University of California, Hastings in 1997. She clerked for the Honorable Judge
23 Charles A. Legge (Ret.) of the Northern District of California from 1997-1998. She was a
24 Skadden Fellow at the Legal Aid Society of San Francisco—Employment Law Center from 1998-
25 2000.

26 28. Brian Umpierre, a 1998 graduate of Villanova University School of Law in
27 Villanova, Pennsylvania, has been associated with Stebner Gertler & Guadagni since 2018. Mr.
28 Umpierre's nearly twenty years of experience as an attorney has focused almost entirely on class

1 action litigation, including in the areas of consumer protection and antitrust, and most recently
2 elder abuse in the context of assisted living. Mr. Umpierre is the primary attorney at the Stebner
3 firm responsible for conducting the firm's class action practice, and has day-to-day responsibility
4 for the firm's class action cases, including the instant matter, under my supervision. He has
5 worked on numerous class action lawsuits, including extensive work on the class actions our firm
6 brought against long term care facilities. Mr. Umpierre became substantially involved in all
7 aspects of the case, including formal discovery and related briefing, conferring with the clients,
8 assisting with drafting and finalizing various pleadings including the motion for class certification
9 and for subclasses, and conferring with experts, as set forth more fully below. Mr. Umpierre's
10 practice at the Stebner firm is devoted almost entirely to the litigation of class action and complex
11 actions. Thus, any time which he spends on one class action case, such as the instant action, takes
12 away from time he could be spending on our other actions, of which several are class actions and
13 other complex litigation actions against assisted living facility companies in California for which
14 Mr. Umpierre has day-to-day responsibility.

15 29. Relying on the firm's factual grounding and institutional knowledge on this matter,
16 Mr. Umpierre led the Stebner firm's targeted class member outreach efforts at various times
17 during the litigation. When discovery opened in March 2019 following the denial of Defendants'
18 motion to compel arbitration (ECF 117), Mr. Umpierre participated in Class Counsels' review of
19 documents produced in discovery in the Relativity electronic database. Mr. Umpierre also reviewed
20 publicly available documents and records produced in response to Public Records Act requests
21 and document subpoenas such as records from the California Department of Social Services,
22 Community Care Licensing Division of more than 800 deficiency citations issued against
23 Brookdale's California RCFEs, which provided evidence of Defendants' understaffing and the
24 resulting harms to residents. The analysis undertaken with the review of much of this information
25 was crucial to Plaintiffs' showing at class certification and at summary judgment.

26 30. Mr. Umpierre also took over the Stebner firm's assistance with Class Counsels'
27 discovery efforts, including drafting and responding to written discovery, taking depositions of
28 Defendants' experts and corporate designee and defending the deposition of a named Plaintiff's

1 conservator/representative, assisting with discovery motion practice and attempting to compel the
2 production of information crucial to class certification and the merits, and preliminary and
3 ongoing review and analysis of the documents Defendants' produced in discovery.

4 31. For example, Mr. Umpierre participated in the drafting of Plaintiffs' first sets of
5 requests for production of documents, including requests for the resident assessment and staffing
6 data used in connection with the understaffing analysis Plaintiffs' offered at class certification. To
7 facilitate the production of responsive documents, Mr. Umpierre participated in the drafting and
8 negotiation of search terms for relevant ESI from Defendants.

9 32. Mr. Umpierre drafted the initial meet and confer correspondence seeking this
10 information in electronic format, and participated in the telephonic meet and confer sessions
11 regarding same. Insofar as Defendants' discovery defense tactics regarding the production of the
12 data inputs for Plaintiffs' understaffing analysis necessitated extensive motion practice on Class
13 Counsels' part, Mr. Umpierre assisted in the briefing of such motions as necessary. By way of
14 example, Mr. Umpierre provided input on the briefing seeking to compel the production of
15 Brookdale's staffing formula and the opposition to Defendants' attempt to compel the production
16 of information related to Class Counsels' communications with putative class members.

17 33. Consistent with Class Counsels' efforts to avoid duplication of work, Mr. Umpierre
18 was primarily responsible for communications with named Plaintiff Ralph Schmidt and his
19 conservator beginning in 2020. Mr. Umpierre worked closely with named Plaintiff Schmidt's
20 conservator, Heather Fisher, to respond to written discovery and to prepare for deposition, and
21 defended Ms. Fisher at her deposition in January 2022. Mr. Umpierre also worked closely with
22 Ms. Fisher to prepare with her her declarations supporting class certification.

23 34. In addition to the Stebner firm's collective efforts to facilitate discovery pertaining
24 to named-Plaintiff Schmidt, in June 2021 Mr. Umpierre deposed Defendants' corporate designee
25 under Fed. Rule Civ. Pro. 30(b)(6) on the issue of Brookdale ownership of, responsibility for, and
26 operation of Brookdale-branded facilities in California. Mr. Umpierre also deposed Defendants
27 experts Josh Allen, R.N., C-AL, and Julie Baird, R.N. in September 2024 on the Expert Report
28 submitted by each under Rule 26, as discussed more fully below.

1 35. Mr. Umpierre also assisted Class Counsels' efforts to brief the myriad complex
2 issues that were part of this litigation from the outset, including but not limited to the motions for
3 class certification and for certification of subclasses, and expert-related motions to strike and to
4 exclude.

5 36. Plaintiffs filed in connection with their motions for class certification and
6 certification of subclasses declarations from eight experts, including four declarations from
7 Plaintiffs' assisted living experts who were responsible for Plaintiffs' understaffing analysis and a
8 declaration from Plaintiffs' expert on the calculation of damages. Working closely with attorneys
9 from Schneider Wallace and Marks Ballette and the experts themselves, Mr. Umpierre was
10 primarily responsible overseeing the completion of four of those declarations, including the
11 declarations of Dr. Cristina Flores, Mr. Dale Schroyer, Dr. David Belson, and Dr. Edward Jones,
12 and gathering much of the materials and documentation supporting them.

13 37. Thus, Mr. Umpierre worked closely with David Marks and James Thornton (Marks
14 Ballette) to evaluate the voluminous materials produced in discovery to assist Plaintiffs' assisted
15 living and staffing expert, Dr. Cristina Flores, with her review and analysis of Brookdale's staffing
16 policies and practices and the nature and type(s) of services Brookdale provides to elderly
17 residents. While simultaneously working closely with Guy Wallace and Mark Johnson of
18 Schneider Wallace on the related class certification aspects of Dr. Flores' testimony, this initial
19 work led inexorably to the drafting of Dr. Flores' declaration in support of Plaintiffs' original
20 certification motion. Insofar as Dr. Flores was the subject-matter expert who provided the
21 necessary inputs for the Discrete Event Simulation (DES) analysis proffered by Plaintiffs' expert
22 Dale Schroyer, Mr. Umpierre also worked closely with the Marks Ballette and Schneider Wallace
23 attorneys to assist Mr. Schroyer with the preparation of his class certification declaration.

24 38. Defendants' opposition to the certification of any class or subclass was robust,
25 including a 40-page brief, hundreds of witness declarations from residents and company officials,
26 at least five expert declarations, and multiple attorney declarations. Among other things,
27 Defendants challenged Plaintiffs' and Dr. Flores' opinions and moved to strike her testimony;
28 Defendants' also sought to exclude Mr. Schroyer's understaffing analysis. ECF 350, 353. Mr.

1 Umpierre coordinated with Dr. Flores and Messrs. Marks, Thornton, Wallace, and Johnson on Dr.
 2 Flores' substantial response and was primarily responsible for drafting the opposition to the
 3 motion to exclude her testimony. Mr. Umpierre also was primarily responsible for drafting the
 4 opposition the motion to exclude Mr. Schroyer's testimony. The Court denied Defendants'
 5 motions to exclude Dr. Flores' and Mr. Schroyer's testimony. ECF 594.

6 39. Plaintiffs also filed motions to exclude portions of Defendants' expert testimony
 7 and opinions, including those offered by Defendants' experts Dr. Ali Saad and Dr. Sheldon
 8 Jacobson, both of whom attacked the analysis and assumptions underlying Dr. Flores' and Mr.
 9 Schroyer's understaffing opinions. ECF 511. Mr. Umpierre was primarily responsible for drafting
 10 these motions and the reply memoranda in support thereof. *Id.*; *see also* ECF 538.

11 40. Plaintiffs' offered a significant, refined response to Defendants' robust class
 12 certification defense. As already noted, Mr. Umpierre worked closely at this time with Dr. Flores
 13 and Mr. Schroyer and with his colleagues at Schneider Wallace and Marks Balette (most notably
 14 James Thornton) to rebut the opposition arguments made by Defendants' experts Saad and
 15 Jacobson (*see* ¶ 39), as reflected in the reply declarations Dr. Flores and Mr. Schroyer submitted in
 16 further support of class certification. Mr. Umpierre also assisted in the marshalling evidence
 17 relating to the disability profiles of Brookdale's resident population relevant to the numerosity
 18 inquiry under Rule 23.

19 41. Given his substantial work with Dr. Flores, and Mr. Schroyer, Mr. Umpierre was
 20 the primary attorney responsible for overseeing the preparation and completion of the Expert
 21 Reports of each of these experts pursuant to Federal Rule of Civil Procedure 26. Mr. Umpierre
 22 also assisted in the preparation of the Expert Reports of Dr. David Belson and Dr. Edward Jones.

23 42. Relatedly, Mr. Umpierre deposed two of Defendants experts, Josh Baird, R.N., on
 24 September 4, 2024, and Julie Baird, R.N., on September 24, 2024. To support their argument that
 25 the ADA did not apply to Brookdale's RCFEs in California, Defendants offered Nurses Allen and
 26 Baird for their opinions regarding the nature of services provided at Brookdale's RCFEs in
 27 California and the disability profile of the residents at those facilities. The Court rejected
 28 Defendants' argument against ADA applicability numerous times in this litigation.

43. Mr. Umpierre aided Plaintiffs' pre-trial efforts most notably by drafting a number of Motions in Limine directed at certain opinions offered by Defendants' data experts, Dr. Sheldon Jacobson and Dr. Ali Saad (ECF 511), and Defendant's assisted living expert, Josh Allen, R.N. (ECF 882, 892). The Stebner firm also was primarily responsible for drafting Plaintiffs' Motion in Limine to exclude evidence and argument of class member conduct as defense to access claims (ECF 942), Motion in Limine opposing motion to exclude 2017 letter from Plaintiffs' counsel to Defendants and associated testimony (ECF 956), and Motion in Limine opposing motion to exclude untimely expert opinions from Gary Waters and Jeffrey Mastin (ECF 958).

44. Insofar as Defendants designated confidential pursuant to the Protective Order a substantial portion of the information relevant to the class certification inquiry and the supporting expert testimony relevant to same, Mr. Umpierre was required to redact specific portions of the expert-related briefing and supporting materials filed by Plaintiffs in this matter, and identified hereinabove.

45. As my representative as a Co-Lead Counsel in this matter, Mr. Umpierre attended and participated in the four Mandatory Settlement Conference sessions with Magistrate Judge Joseph C. Spero that occurred in 2024 and 2025 on behalf of the Stebner firm. In addition, Mr. Umpierre was the Stebner-firm's primary lawyer counsel engaged in formal arms-length settlement negotiations with Brookdale's counsel. Mr. Umpierre also participated in the negotiating and drafting of the settlement stipulation and stipulated injunction, including but not limited to the caregiver staffing requirements contained therein. More specifically, the stipulated injunction requires Defendants to provide more transparency in communications with current and potential residents of Brookdale's Scotts Valley and San Ramon facilities regarding how it determines the appropriate levels of caregiving staffing. ECF 1026-1 (Stipulated Injunction) at ¶¶ 20-21. Defendants have also promised to "apply a reasonable determination of the staffing hours reasonably required to perform the care tasks needed by the residents, as determined by the assessment procedures, the experience and/or education of the staff, the ability of staff to perform various tasks in parallel, the physical layout of the facility, and the reasonable discretion of the Executive Director and/or department coordinators," and to provide regular reporting to Plaintiffs'

1 counsel regarding caregiver staffing at the San Ramon and Scotts Valley facilities for two years.
 2 *Id.*, ¶¶ 22-23.

3 **Review of Lodestar Fees**

4 46. A spreadsheet detailing the Stebner firm's time allocations in this matter are
 5 attached as Exhibit A to this Declaration.

6 47. I have reviewed the lodestar time entries for work performed by my firm. Based on
 7 that review, I made reductions to lodestar hours (and fees) to address potentially unnecessary,
 8 duplicative or excessive time. To that end, I eliminated from the Stebner-firm time entries 78.1
 9 hours of time incurred by Kelly Knapp, 113.7 hours of time incurred by Brian Umpierre, and 96.7
 10 hours of time incurred by me in furtherance of this litigation, which amounts to approximately
 11 10% of total Stebner-firm time, or 288.5 hours. In addition, I eliminated about 4 hours of discrete
 12 time entries for attorney and George Kawamoto as de minimis. After reductions, the Stebner firm
 13 spent 3,055 hours on this matter and, based thereon, seeks \$2,931,159.00 in lodestar fees through
 14 July 15, 2025.

15 48. With these reductions, I believe the lodestar entries reflect properly billed to this
 16 case in the support of Plaintiffs' successful prosecution of this lawsuit.

17 **Lodestar Hourly Rates Charged**

18 49. My Co-Counsel and I have reviewed the rates sought for the attorneys for whom
 19 compensation is sought in this Motion. Based on Class Counsels' experience and knowledge of
 20 the market, the rates sought are reasonable and fall within the market range for attorneys of
 21 comparable experience, expertise and reputation who provide similar services in the Northern
 22 District of California. Class Counsel make their application based on 2025 rates.

23 50. In approving class action settlements involving other assisted living chains,
 24 multiple courts have approved hourly rates for many of the Class Counsel. Copies of the fee
 25 awards in the comparable settlements are attached collectively as Exhibit B to this Declaration.
 26 Those fee awards were made in lawsuits litigated in prior years and include venues other than
 27 Oakland, but are provided for whatever benefit to the Court.
 28

51. Based on my background and experience, my requested rate is \$1,300/hour resulting in my lodestar in this case at \$356,0200. The amount of time I spent and my fees for this time are reasonable and were necessary for the prosecution of the case. My rate used to calculate the lodestar in this case is squarely in line with the prevailing rates in the Northern District of California for attorneys of like skill and experience.

52. So too the rates requested on behalf of the other Stenber-firm attorneys who assisted in the prosecution of this matter. Ms. Colby, Ms. Knapp, and Mr. Umpierre are all attorneys with well over a decade of experience in class action litigation involving elderly and disabled residents of assisted living. The \$995 rate requested for the services rendered in this matter by Ms. Colby, and the \$925 rate requested for the services rendered in this matter by Ms. Knapp and Mr. Umpierre, is consistent with the rate customarily charged by attorneys of their skill and experience and are squarely in line with the prevailing rates in the Northern District of California.

53. For the reasons stated in Plaintiffs' fee application and supporting materials, I believe the hourly rates charged by timekeepers in my firm are reasonable and consistent with rates paid in the relevant market.

Litigation Expenses Advanced

54. As of July 15, 2025, my firm had advanced litigation costs and expenses of \$19,729.72 in the prosecution of this case. Specifically, my firm incurred the following costs associated with the prosecution of this litigation:

Category	SGG
Deposition Fees and Transcripts	\$7,265.45
Consultant Fees (Willoughby, Stuart, Bening & Cook; Vaught & Boutris ³)	\$1,405.75

³ My firm consulted with Alex Stuart of Willoughby, Stuart, Bening & Cook on insurance coverage issues related to this litigation, and with Jon Vaught of Vaught & Boutris on issues relating to successors-in-interest of deceased plaintiffs.

Research (legal and factual - Westlaw, Pacer)	\$10,609.24
Travel Expenses	\$449.28
TOTALS:	\$19,729.72

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

Executed on August 7, 2025 at San Francisco, California.



Kathryn A. Stebner