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17 Attorneys for Representative Plaintiffs

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19 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **IN AND FOR THE COUNTY OF TULARE**

21 In re HAPY BEAR SURGERY CENTER
22 DATA SECURITY INCIDENT
23 LITIGATION

24 This Document Relates To: All Actions

Case No. VCU307987
(Assigned for all purposes to Hon. Gary M. Johnson, Dept. 7)

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION IN SUPPORT OF UNOPPOSED
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

HEARING DATE: SEPTEMBER 16, 2024
TIME: 8:30 A.M.
DEPT. 7

COMPLAINT FILED: APRIL 15, 2024

1 TO THE CLERK OF COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on September 16, 2024, at 8:30 a.m., or as soon
3 thereafter as the matter may be heard, before the Honorable Gary M. Johnson in Department 7 of
4 the Superior Court of California, County of Tulare, located at 221 S. Mooney Blvd., Visalia,
5 California 93291, plaintiffs David Underwood and Duncan Meadows (“Plaintiffs”) will and
6 hereby do move the Court, pursuant to California Civil Procedure Code § 382 and California
7 Rule of Court 3.769, for an order:

8 1. Preliminarily approving the parties’ proposed class action settlement agreement of
9 this matter (the “Settlement Agreement”) pursuant to California Rule of Court 3.769(c) (a copy
10 of the fully executed Settlement Agreement is attached as Exhibit A to the concurrently filed
11 Declaration of Jason M. Wucetich);

12 2. Certifying, for the purposes of settlement pursuant to California Rule of Court
13 3.768(d), a nationwide class defined as follows: “All persons whose personal identification
14 information and data was stored in HBSC’s systems at the time of the December 27, 2023
15 cybersecurity incident and who were impacted by the cybersecurity incident,” and a California
16 subclass defined as, “All members of the Nationwide Class who are also California residents at
17 the time of the December 27, 2023 cybersecurity incident.” (collectively the “Settlement Class”).

18 3. Certifying plaintiffs David Underwood and Duncan Meadows as the
19 representatives of the Settlement Class;

20 4. Approving Daniel Srourian of the Srourian Law Firm, P.C. and Jason Wucetich of
21 the law firm Wucetich & Korovilas LLP as class counsel;

22 5. Approving the form, method, and timing of giving notice to the Settlement Class
23 of this action and the proposed Settlement Agreement pursuant to California Rule of Court
24 3.769(f) (a copy of the proposed class notice is attached as Exhibit 2 to the Settlement
25 Agreement); and
26

27 6. Setting a hearing date for final approval of the settlement and class counsel’s
28

1 application for an award of attorneys' fees and expenses pursuant to California Rule of Court
2 3.769(e), and an enhancement award for Plaintiffs.

3 This motion is based upon this notice of motion and motion, the concurrently filed
4 memorandum of points and authorities in support of the unopposed motion, the concurrently
5 filed Wucetich Declaration of Counsel (attaching as exhibits, *inter alia*, the parties' fully
6 executed proposed Settlement Agreement and the proposed class notice), the declaration of the
7 Proposed Claims Administrator, the concurrently filed proposed order, the records and files in
8 this action, and such arguments as may be presented at the hearing on this motion. This motion
9 is made following a mediation before retired federal Magistrate Judge David E. Jones which
10 resulted in the proposed Settlement Agreement set forth herein.

11 Dated: August 22, 2024



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14 By:

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*Attorneys for Representative Plaintiffs
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