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FILED / ENDORSED
MAR 3 2021
By N. Smith, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

DENÉ STARKS, on behalf of herself, and all others
similarly situated,

Plaintiff,

vs.

NATIONWIDE MUTUAL INSURANCE
COMPANY, and Does 1 through 50, inclusive,

Defendants.

No. 34-2016-00199026-CU-OE-GDS

~~(PROPOSED)~~ ORDER
GRANTING PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION, AND
APPROVAL OF CLASS NOTICE,
APPOINTMENT OF CLASS
REPRESENTATIVES, CLASS
COUNSEL, AND CLAIMS
ADMINISTRATOR

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1 On February 4, 2021, the Court held a hearing on Plaintiffs' Motion For Class
2 Certification, And Approval Of Class Notice, Appointment Of Class Representatives, Class
3 Counsel, And Claims Administrator. Robin G. Workman of Workman Law Firm, PC, appeared
4 for Plaintiff Dené Starks ("Plaintiff") and James Oh and Kathleen Barrett of Epstein, Becker &
5 Green, PC appearing on behalf of Defendant Nationwide Mutual Insurance Company
6 ("Defendant" or "Nationwide").

7 The Court having read and considered the papers, the arguments of counsel, and good
8 cause appearing, **ORDERS AS FOLLOWS:**

9 **Motion for Class Certification**

10 Plaintiff's Amended Complaint ("FAC") asserts causes of action for 1) failure to pay
11 overtime wages, 2) sex discrimination, 3) race discrimination, 4) failure to take reasonable steps
12 to prevent discrimination, 5) unfair business practices, and 6) violation of the Private Attorneys
13 General Act of 2004 ("PAGA").

14 The FAC identifies two subclasses, a "Misclassification subclass" consisting of
15 Commercial Line Underwriters ("CLUs") that have been misclassified as exempt since June
16 2015 and a class consisting of women and persons of color who were denied positions for which
17 they applied, referred to herein as the "Disparate Impact" class. On this motion, however, the
18 scope of the proposed classes have been limited.

19 The Misclassification subclass is clarified to include those CLUs that were classified as
20 small market CLUs following Defendant's segmentation process that commenced in June 2015
21 and segmented the CLUs at that time into small market and mid-market groups, as well as
22 employees hired after that date that were classified as small-market CLUs. Plaintiff asserts the
23 first and fifth causes of action in support of this class.

24 Plaintiff's proposed Disparate Impact class on this motion now excludes women and
25 limits persons of color to those in the Commercial Lines Underwriting Department in California
26 who identify as Black or Hispanic. Plaintiff asserts the third, fourth, and fifth causes of action on
27 behalf of this class. Although the FAC also asserts the second cause of action on behalf of this
28 class, given the removal of women from the class on this motion, the proposed Disparate Impact

1 class could not prevail on the second cause of action for sex discrimination.

2 With regard to the Misclassification class, Plaintiff alleges:

3 - Prior to June 2015, CLUs were properly classified as exempt employees.

4 - In June 2015, Defendant began a segmentation process to improve the efficiency of its
5 underwriting division.

6 - Employees assigned to the small-market CLU division created by the segmentation no
7 longer had job characteristics that qualify for exempt status.

8 - The small-market CLUs performed a common nexus of core functions.

9 - Defendant developed protocols for implementing the tasks given to small-market CLUs
10 that prevented them from exercising independent thought and deprived them of discretion in
11 implementing the policies.

12 - Small-market CLUs were subject to close supervision by their managers, who schedule
13 the small-market CLUs tasks and assignment and maintain tight-control over small-market CLUs
14 daily schedules.

15 - Defendant implemented uniform production quotas that required the class members to
16 work more than 8 hours per day and 40 hours per week to meet performance criteria.

17 - Class members were not paid overtime for the additional hours worked.

18 With regard to the Disparate Impact class, Plaintiff alleges:

19 - Defendant's pre-segmentation promotional policies fell below prevented Black and
20 Hispanics individuals from being fairly concerned for promotions.

21 - Defendant's implementation of the segmentation process caused a disparate number of
22 Black and Hispanic individuals to be classified as small-market, rather than mid-market CLUs.

23 **Class Certification Standard**

24 Code of Civil Procedure section 382 authorizes class actions when the question is one of
25 a common or general interest, of many persons, or when the parties are numerous, and it is
26 impracticable to bring them all before the court. (*Sav-On Drug Stores, Inc. v. Superior Court*
27 (2004) 34 Cal.4th 319, 326.) The party seeking class certification has the burden to establish the
28 existence of both an ascertainable class and a well-defined community of interest among the

1 class members. (*Id.*) The moving party must present substantial evidence that common issues
2 predominate. (*Washington Mutual v. Superior Court* (2001) 24 Cal.4th 906, 913.)

3 A court considering a class certification motion begins by identifying the legal issues and
4 the governing substantive law. In doing so, the court does not seek to resolve the issues; rather,
5 the question at this stage is whether the operative legal principles, as applied to the facts of the
6 case, allow the claims to be resolved on a common basis. (*Alberts v. Aurora Behavioral Health*
7 *Care* (2015) 241 Cal.App.4th 388, 399.) The class certification question is essentially a
8 procedural one that does not ask whether an action is legally or factually meritorious. (*Linder v.*
9 *Thrifty Oil Co.* (2000) 23 Cal.4th 429, 439-440.) A trial court ruling on a certification motion
10 determines whether the issues which may be jointly tried, when compared with those requiring
11 separate adjudication, are so numerous or substantial that the maintenance of a class action
12 would be advantageous to the judicial process and the litigants. (*Sav-On*, 34 Cal.4th at 326.) The
13 moving party must demonstrate by substantial evidence that common issues predominate.
14 (*Washington Mutual v. Superior Court* (2001) 24 Cal.4th 906, 913.) "[T]his means 'each member
15 must not be required to individually litigate numerous and substantial questions to determine his
16 right to recover following the class judgment; and the issues which may be jointly tried, when
17 compared with those requiring separate adjudication, must be sufficiently numerous and
18 substantial to make the class action advantageous to the judicial process and to the litigants.'"
19 (*Lockheed Martin Corp. v. Superior Court* (2003) 29 Cal.4th 1096, 1103-1104, citing
20 *Washington Mutual*, 24 Cal.4th at 913-914, quoting *City of San Jose v. Superior Court* (1974) 12
21 Cal.3d 447, 460.)

22 The trial court is vested with broad discretion to determine whether a class should be
23 certified. (*Linder*, 23 Cal.4th at 435.) "Trial courts 'are ideally situated to evaluate the
24 efficiencies and practicalities of permitting group action' and therefore are 'afforded great
25 discretion' in evaluating the relevant factors and in ruling on a class certification motion."
26 (*Lampe v. Queen of the Valley Medical Center* (2018) 19 Cal.App.5th 832, 842.)

27 Code of Civil Procedure section 382 authorizes class actions when the question is one of
28 a common or general interest of many persons, or when the parties are numerous and it is

1 impracticable to bring them all before the court. (*Sav-On*, 34 Cal.4th at 326.) In order for a class
2 to be certified, section 382 requires that there be (1) an ascertainable class and (2) a well-defined
3 community of interest. (*Richmond v. Dart Industries, Inc.* (1981) 29 Cal.3d 462, 470.) The
4 community of interest includes three factors: (1) predominant common questions of law or fact;
5 (2) class representatives with claims or defenses typical of the class; and (3) class representatives
6 who can adequately represent the class. (*Id.*)

7 **Ascertainability**

8 Whether a class is ascertainable under section 382 "is determined by examining (1) the
9 class definition, (2) the size of the class, and (3) the means available for identifying the class
10 members." (*Reyes v. San Diego County Bd. of Supervisors* (1987) 196 Cal.App.3d 1263, 1271,
11 citing *Vasquez v. Superior Court* (1971) 4 Cal.3d 800, 821-822.) "The class is ascertainable if it
12 identifies a group of unnamed plaintiffs by describing a common set of characteristics sufficient
13 to allow a member of that group to identify himself [or herself] as having a right to recover based
14 on the description." (*Harper v. 24 Hour Fitness, Inc.* (2008) 167 Cal.App.4th 966, 977, internal
15 quotations omitted.)

16 Based on discovery, Plaintiff identifies 92 individuals in the Misclassification subclass
17 and approximately 25 individuals in the Disparate Impact subclass. (Defendant's Supplemental
18 Responses to Special Interrogatories, Workman Decl., Ex. 29.) None of Defendant's arguments
19 attempt to demonstrate that if a class is certified, that its members cannot be identified. The
20 Court finds the proposed classes are ascertainable.

21 **Community of Interest**

22 As stated above, the requirement of "community of interest" includes three factors: (1)
23 predominant questions of law or fact; (2) class representatives whose claims or defenses are
24 typical of the class; and (3) class representatives who can adequately represent the class.
25 (*Richmond*, 29 Cal.3d at 470; *Sav-On Drug Stores, Inc. v. Superior Court* (2004) 34 Cal.4th 319,
26 326.)

27 **Predominant Questions of Law or Fact**

28 The Court must next assess whether common questions of law and fact predominate.

1 "Predominance" is "whether the issues which may be jointly tried, when compared with those
2 requiring separate adjudication, are so numerous or substantial that the maintenance of a class
3 action would be advantageous to the judicial process and to the litigants." (*Brinker v. Superior*
4 *Court* (2012) 53 Cal.4th 1004, 1021.) The determination is dependent on "whether the theory of
5 recovery advanced by the proponents of certification is, as an analytical matter, likely to prove
6 amenable to class treatment." (*Id.*) "[A]s a general rule if the defendant's liability can be
7 determined by facts common to all members of the class, a class will be certified even if the
8 members must individually prove their damages." (*Id.*, citations omitted.) However, "[a] class
9 action 'will not be permitted . . . where there are diverse factual issues to be resolved, even
10 though there may be common questions of law.'" (*Ali v. U.S.A. Cab Ltd.* (2009) 176 Cal.App.4th
11 1333, 1347, quoting *Block v. Major League Baseball* (1998) 65 Cal.App.4th 538, 542.) "This
12 means each member must not be required to individually litigate numerous issues and substantial
13 questions to determine his [or her] right to recover following the class judgment; and the issues
14 which may be jointly tried, when compared with those requiring separate adjudication, must be
15 sufficiently numerous and substantial to make the class action advantageous to the judicial
16 process and to the litigants." (*Lockheed Martin Corp.*, 29 Cal.4th at 1108, citations omitted.)

17 "As a general rule if the defendant's liability can be determined by facts common to all
18 members, a class will be certified even if the members must individually prove damages."
19 (*Brinker*, 53 Cal.4th at 1022, international citations omitted.) But a class action may not be
20 maintained where the existence of damage, the cause of damage, and the extent of damage have
21 to be determined on a case-by-case basis, even if there are common questions. (*Basurco v. 21st*
22 *Century Insurance Co.* (2003) 108 Cal.App.4th 11, 119.) "It is not sufficient, in any event simply
23 to mention a procedural tool; the party seeking class certification must explain how the
24 procedure will effectively manage the issues in question[.]" (*Dunbar v. Albertson's, Inc.* (2006)
25 141 Cal.App.4th 1422, 1432.)

26 Relying on *Jaimez v. Daiohs USA, Inc.* (2010) 181 Cal.App.4th 1286, Plaintiff argues
27 that post-segmentation the Misclassification class members were given job duties that uniformly
28 required them to work overtime, that Defendant had the ability to track their overtime hours

1 worked, and that Defendant failed to pay overtime wages. Plaintiff further argues that
2 Defendant's affirmative defense based on the administrative exemption is also subject to
3 common proof. Plaintiff argues the Misclassification class members performed highly-
4 standardized jobs. Plaintiff contends Defendant implemented numerous policies that
5 standardized objectives and expectations and evaluated class members' performance with
6 standardized forms. Plaintiff argues Defendant automated the class members' role and set forth
7 strict guidelines for how their duties should be performed, eliminating the ability to exercise
8 discretion and independent judgment. Plaintiff further contends that Defendant adopted a
9 management system known as LEAN that subjected class members to heightened supervision
10 and strictly-controlled schedules.

11 In opposition, Defendant does not dispute that members of the Misclassification class
12 regularly worked unpaid overtime or that those facts are not subject to common proof. However,
13 Defendant argues that its business practices post-segmentation has undergone a continuous
14 evolution in which class members have been assigned to different roles, spent different time
15 performing a variety of tasks, have different authority with regard to monetary limits of policies
16 before they must seek managerial approval, and were subject to different differences in oversight
17 based on managerial style.

18 Defendant is correct that certification would be inappropriate if the above differences
19 would necessitate would result in "multiple, perhaps as many as 146 mini trials." (*Soderstedt v.*
20 *CBIZ Southern California, LLC* (2011) 197 Cal.App.4th 133, 146.) However, even if there were
21 simple differences in the amount of time spent performing various tasks, changes to the criteria
22 for performance evaluation, and differences in the various titles associated with the performance
23 of the class members' duties, it does not necessarily follow that the common questions don't
24 predominate. Plaintiff submits evidence the class performed as a whole performed common
25 duties and that they were subject to the same policies that stripped them of the ability to exercise
26 independent judgment, and had tightly-controlled schedules assigned by their various managers.

27 The Court finds the example of Julie Haldeman ("Ms. Haldeman") illustrative. In its
28 opposition, Defendant highlights the post-segmentation path of Ms. Haldeman in contrast to

1 Plaintiff. (Opposition at p. 12, n. 48.) Defendant indicates that in May 2016, Ms. Haldeman
2 worked as a team underwriter where her manager assigned unique tasks each week, giving her
3 entire weeks where she was not responsible for the phone queue. (*Ibid.*) Ms. Haldeman also
4 worked as Premier Pilot underwriter, Portfolio Team underwriter, and a hybrid New
5 Business/Portfolio underwriter. (*Ibid.*) Her authority level changed from Level 3 to Level 2, and
6 she has reported to 3 different managers. (*Ibid.*) Despite the above, Ms. Haldeman herself
7 indicates the differing managers and differing job titles have had no impact on the overarching
8 policies that form the basis of Plaintiff's claims. Ms. Haldeman indicates that throughout her
9 post-segmentation tenure with the company she has been subject to a strictly-controlled
10 schedule provided by her managers, relegated to performing check-the-box tasks in accordance
11 with business-protocols without the ability to exercise independent judgment, and evaluated with
12 production-based performance criteria. (Supplemental Decl. of Haldeman.) Based on this
13 example, and the collective evidence submitted, the Court finds the proposed class was engaged
14 in performing the same core functions and that the common questions concerning the
15 implementation of Defendant's protocols and the level of supervision, oversight, and autonomy
16 exercised by the putative class predominate over differences in their respective titles and the
17 specific amount of time spent on each type of task performed.

18 With regard to the Disparate Impact class, Plaintiff relies on anecdotal evidence of class
19 members who claimed to have received disparate outcomes and the opinions of Dr. Caren
20 Goldberg ("Dr. Goldberg"), who opined that Defendant's policies and procedures for promotion,
21 general selection, and the segmentation process fell below the recognized Human Resource
22 standards and could result in a potential disparate impact. Although Dr. Goldberg initially found
23 evidence of a disparate impact in reviewing Defendant's records, she has subsequently modified
24 her opinion to indicate that a disparate impact may or may not have existed after discovering the
25 initial information she was provided was incomplete and inaccurate.

26 Relying on *Wal-Mart Stores, Inc. v. Dukes* (2011) 564 U.S. 338, Defendant argues that
27 absent actual evidence of a disparate impact, Dr. Goldberg's opinions that Defendant's policies
28 could result in a disparate impact are irrelevant and insufficient to support a motion for class

1 certification. The Court notes whether Plaintiff can prove the existence of a disparate impact
2 goes to the merits of the case and is not an issue that may be typically resolved at the class
3 certification stage. (*Linder v. Thrifty Oil Co.*, *supra*, 23 Cal.4th at p. 439-440.) However, the
4 Court may be required, in some circumstances, to address issues affecting the merits of the case
5 that are enmeshed with class action requirements. (*Id.* at p. 443; *Brinker Restaurant Corp. v.*
6 *Superior Court*, *supra*, 53 Cal.4th at p. 1023.) Thus, although the Court will not weigh the
7 strength of Plaintiff's evidence of a disparate impact, Plaintiff must present some evidence of a
8 disparate impact in order to support class certification.

9 The Court finds Plaintiff has met this minimal burden. Notably, although Dr. Goldberg
10 has withdrawn her affirmative opinion finding a disparate impact, Dr. Goldberg has not admitted
11 there is no evidence of a disparate impact. (See Dr. Goldberg's Supplemental Report) Rather, Dr.
12 Goldberg clarified that Defendant's records are incomplete and inconsistent and that whether a
13 disparate impact exists will depend on the trier of fact's determinations as to which factual
14 information in which records should be believed. (*Ibid.*) The Court finds that Dr. Goldberg's
15 opinions concerning the potential cause of a disparate impact, the potential but uncertain
16 existence of a disparate impact, combined with the evidence presented by Plaintiff of outcomes
17 that may have been the result of the disparate impact are minimally sufficient to support a
18 finding that the resolution on the merits of this claim may be determined on a class-wide basis.

19 **Typicality and Adequacy of Named Plaintiff**

20 Typicality requires that the plaintiff's claims or defenses be typical of the class.
21 (*Lockheed Martin Corp.*, 29 Cal.4th at 1104.) The "test of typicality is whether other members
22 have the same or similar injury, whether the action is based on conduct which is not unique to
23 the named plaintiffs, and whether other class members have been injured by the same course of
24 conduct." (*Martinez v. Joe's Crab Shack Holdings* (2014) 231 Cal.App.4th 362, 375, internal
25 quotations omitted.) The named plaintiffs need not have identical claims to other class members;
26 rather, he or she must be similarly situated such that he or she will have the motive to litigate on
27 behalf of all class members. (*Classen v. Weller* (1983) 145 Cal.App.3d 27, 45; *Wershba v. Apple*
28 *Computer* (2001) 91 Cal.App.4th 224, 238.)

1 Adequacy requires that the plaintiff show that he or she can adequately represent the
2 class. (*Lockheed Martin Corp.*, 29 Cal.4th at 1104.) The class representative(s), through qualified
3 counsel, must be capable of "vigorously and tenaciously" protecting the interests of the class
4 members. (*Simons v. Horowitz* (1984) 151 Cal.App.3d 834, 846.) Adequate representation
5 requires that (1) the interests of the class representative coincide with those of the class; (2) the
6 class representative vigorously prosecute the claims on behalf of the class; and (3) counsel for
7 the class representative be qualified, experienced, and generally able to conduct the litigation.
8 (See *Eisen v. Carlisle & Jacquelin* (1974) 417 U.S. 156, 159.) Here, Plaintiff is a member of
9 both proposed classes who claims to have been misclassified as an exempt employee following
10 the segmentation process and suffered from the alleged disparate impact caused by Defendant's
11 pre-segmentation promotional system and Defendant's implementation of the segmentation
12 process. Although Defendant argues Plaintiff is not similarly situated, it does so only in the
13 context of arguing that there is no common class of employees that may be certified. Defendant
14 does not argue that if the classes are certified, Plaintiff would be unable to adequately represent
15 those classes. The Court finds that this element is met.

16 **Superiority and Manageability**

17 The "proper legal criterion for deciding whether to certify a class" is whether "plaintiffs
18 . . . establish[] by a preponderance of the evidence that the class action proceeding is superior to
19 alternate means for a fair and efficient adjudication of the litigation." (*Sav-On*, 34 Cal.4th at 332,
20 internal quotations omitted.) Many courts have held that class treatment of wage and hour claims
21 is clearly "superior to other available methods for the fair and efficient adjudication of the
22 controversy." (*Dean Witter Reynolds, Inc. v. Superior Court* (1989) 211 Cal.App.3d 758, 772-
23 773.) This is especially so as "public policy has long favored the 'full and prompt payment of
24 wages due an employee.'" (*Pressler v. Donald L. Bren Co.* (1982) 32 Cal.3d 831, 837; *Sav-On*,
25 34 Cal.4th at 340.) "The class action has been held appropriate when numerous parties suffer
26 injury of insufficient size to warrant individual action and when denial of class relief would
27 result in unjust advantage to the wrongdoer." (*Blue Chip Stamps v. Superior Court* (1976) 18
28 Cal.3d 381, 385.)

1 The Court finds that the class action device is superior as to Plaintiff's proposed classes.
2 The Court also finds that the proposed classes are manageable.

3 **Conclusion**

4 Based on the foregoing, Plaintiff's motion for class certification is granted. The Court
5 **FURTHER ORDERS** as follows:

- 6 (1) Plaintiff Dene Starks is designated and appointed as class representative for the
7 Class.
- 8 (2) The firm of Workman Law Firm, PC is designated and appointed as Class
9 Counsel.
- 10 (3) Notice of this action is to be given by RG/2 Claims Administration, LLC, whom
11 this Court appoints as claims administrator, to all Class Members in the form
12 submitted by Plaintiff, and attached hereto. RG/2 shall send out this notice within
13 five (5) days of receipt of the contact information for the class from Defendants.
- 14 (4) Defendant shall provide RG/2 and Class Counsel with the names, last known
15 email addresses, home addresses, telephone numbers. If the notice is returned,
16 and a new address is not located, Defendant shall also provide social security
17 numbers to assist in locating the last known address of class members., Defendant
18 shall provide this information within ten (10) days of the date of this Order.
- 19 (5) Defendant shall refrain from engaging in any ex parte communications with Class
20 Members regarding issues of this lawsuit without the permission of the Court. Defendant is not
21 prevented from engaging in conversations occurring the normal course of business with Class
22 Members.

23
24 **IT IS SO ORDERED.**

25 Dated: 3/3/21



26 *David De Alba*
27 Hon. David De Alba
28 Superior Court Judge

ATTACHMENT

NOTICE OF PENDENCY OF CLASS ACTION LAWSUIT

Dene Starks v. Nationwide Mutual Insurance Company

Superior Court, County of Sacramento

Case No. 34-2016-00199026-CU-OE-GDS

IMPORTANT NOTICE

TO: PERSONS WHO ARE CURRENT OR FORMER CALIFORNIA EMPLOYEES OF DEFENDANT NATIONWIDE MUTUAL INSURANCE COMPANY (“NATIONWIDE” OR “DEFENDANT”) BETWEEN AUGUST 17, 2012 AND THE PRESENT AND JUNE 2015 AND THE PRESENT:

1. A class action is pending in the above entitled Court. Plaintiff Dene Starks filed this action as a “Class Representative” class action on behalf of two subclasses of persons employed by Nationwide in California (the “Subclasses”).

2. The first subclass (“Subclass A”) is comprised of Commercial Lines Underwriters (“CLUs”) Defendant designated as Small Market CLUs from June 2015 to the present. Ms. Starks asserts that following Defendant’s reorganization of the Commercial Lines Underwriting Department (“CLUD”) in June 2015, Nationwide misclassified the Small Market CLUs and, as result, did not pay Small Market CLUs for all hours worked and overtime compensation owed.

3. The second subclass (“Subclass B”) is comprised of CLUs who identify as Black or Hispanic, who held the position of CLU from August 17, 2012, to the present. Ms. Starks asserts that Nationwide’s promotional system had a disparate impact on, and therefore discriminated against, the CLUs who identify as Black and Hispanic.

4. Nationwide contests the claims by Plaintiff and the Subclasses. Nationwide denies it engaged in any illegal or unlawful conduct.

5. Notice is given to you because Nationwide’s records indicate that you may be a member of one of the above Subclasses whose rights may be affected by this lawsuit. This Notice is not an expression of any opinion by the Court concerning the merits of the claims on behalf of the Class Members. This Notice is intended merely to advise you of the pendency of the action and of your rights with respect to it.

THERE IS NO ASSURANCE THAT A JUDGMENT IN FAVOR OF THE SUBCLASSES WILL BE GRANTED, OR IF GRANTED, THAT IT WILL BE COLLECTED IN WHOLE OR IN PART.

6. The Court appointed Plaintiff Dene Starks as the class representative and Workman Law Firm, PC, 177 Post Street, Suite 800, San Francisco, California, 94108, as counsel for the Class.

7. If you are a current or former employee of Nationwide who identifies as Black or Hispanic and worked in the State of California as a CLU from August 17, 2012, to the present, or if you are a CLU who Nationwide designated as a Small Market CLU from June 2015 to the present, you will be included in the class action, unless you request exclusion from the class action in the manner set forth below.

8. If you remain a member of the Subclass(es) you will be bound by the judgment, whether favorable or unfavorable. If there is a recovery, you may be entitled to share in any proceeds, less Plaintiff's costs, expenses, and any attorneys' fees that the Court may allow to be reimbursed out of such recovery. If you remain a member of the Class, you forfeit your right to independently bring any claims that are set forth in the Complaint in this case.

9. If you do not request exclusion, you may enter an appearance in the action personally or through your own counsel at your own expense. If not, Plaintiff's counsel will represent you. You will not incur any liability for Plaintiff's attorneys' fees or expenses if you remain a member of the class action, except to the extent that the Court may award them to the attorneys to be paid out of the recovery, if there is any.

EXCLUSION FROM THE CLASS ACTION

10. If you wish to be excluded from the class action, you must send a letter by first class mail setting forth your name, present address, and a statement that you wish to be excluded from the class action, postmarked on or before , addressed as specified below.

11. If you do not request exclusion or if your letter of exclusion is not postmarked on or before , you will be included in the class action.

MAILING

12. Letters requesting exclusion should be mailed in a stamped envelope and postmarked on or before , to:

RG/2 Claims Administration, LLC
(Starks Nationwide Class Action Litigation – Case No. 34-2016-00199026-CU-
OE-GDS)

(ADDRESS)
(PHONE)

AVAILABILITY OF FILED PAPERS

13. For more information, you may inspect the Court files at 720 9th St., Sacramento, CA 95814, from 8:30 a.m. to 4:00 p.m., Monday through Friday, or online at <https://services.saccourt.ca.gov/PublicCaseAccess/>. The Courts hours may be limited due to the COVID-19 pandemic. Please check the Court's website for any restrictions on public access to the Court at <https://www.saccourt.ca.gov/general/docs/order-amended-public-restricted-access.pdf>.

14. Any inquiry you or your counsel may wish to make concerning this Notice should be addressed in writing to:

RG/2 Claims Administration, LLC
(ADDRESS)
(PHONE)

Re: Dene Starks, et al. v. Nationwide Mutual Insurance Company
Superior Court, County of Sacramento
Case No: 34-2016-00199026-CU-OE-GDS

Any such inquiry should be mailed in a stamped envelope and postmarked on or before

You may also contact Plaintiff's counsel at:

Robin G. Workman, Esq.
Workman Law Firm, PC
177 Post Street, Suite 800
San Francisco, California 94108