

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Karen Martinez, et al. v. Choose Your Horizon, Inc.

Martinez v. Choose Your Horizon · No. 24-cv-02798-LB · Decided January 29, 2026

SUMMARY

The United States District Court for the Northern District of California preliminarily approved a proposed \$400,000 non-reversionary class-action settlement concerning alleged interception and disclosure of personally identifiable and protected health information by Choose Your Horizon, Inc. The court provisionally certified a settlement class of approximately 761 California residents, appointed the named plaintiffs and settlement counsel, and approved Simpluris, Inc. as settlement administrator. The court set a final fairness hearing for April 23, 2026, while deferring consideration of service awards and attorney’s fees until that hearing.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Laurel Beeler
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 29, 2026
DOCKET	24-cv-02798-LB
DISPOSITION	other
PROCEDURAL POSTURE	Putative class action alleging violations of California privacy laws and the California Constitution. After the parties reached a settlement, the plaintiffs moved for preliminary approval under Federal Rule of Civil Procedure 23. The court granted the unopposed motion, provisionally certified the settlement class, approved the notice plan, provisionally appointed class representatives and settlement counsel, and appointed the settlement administrator.
STANDARD OF REVIEW	For settlement purposes, the court applied the Federal Rule of Civil Procedure 23(a) and 23(b)(3) class-certification requirements and required heightened scrutiny of a pre-certification settlement. It evaluated the proposed settlement under Rule 23(e)(2) and the Hanlon fairness factors, requiring the settlement to appear fair, reasonable, and adequate.

PRECEDENTIAL VALUE	unpublished district-court order; limited persuasive value
PARTIES	Karen Martinez, Eli Silva, Settlement Class v. Choose Your Horizon, Inc.

TOPICS

class actions civil procedure consumer protection health law remedies

PRACTICE AREAS

class actions civil procedure consumer privacy health law settlement approval

QUESTIONS PRESENTED

1. Whether the proposed settlement class satisfied the numerosity, commonality, typicality, adequacy, predominance, and superiority requirements of Federal Rule of Civil Procedure 23 for settlement purposes.
2. Whether the proposed class-action settlement was sufficiently fair, reasonable, and adequate to warrant preliminary approval under Federal Rule of Civil Procedure 23(e)(2).
3. Whether the proposed notice plan satisfied Rule 23 and due-process requirements.
4. Whether the named plaintiffs and proposed counsel should be provisionally appointed to represent the settlement class and whether Simpluris should be appointed as settlement administrator.

HOLDINGS

1. For settlement purposes only, the proposed class satisfied the requirements of Federal Rule of Civil Procedure 23(a) and Rule 23(b)(3), including numerosity, commonality, typicality, adequacy, predominance, and superiority.
2. The proposed settlement warranted preliminary approval because it appeared fair, reasonable, and adequate under Rule 23(e)(2) and the applicable Ninth Circuit settlement factors.
3. The proposed settlement notice and notice plan satisfied Rule 23 and due-process requirements.
4. The court provisionally appointed Martinez and Silva as class representatives, appointed Philip L. Fraietta and Scott R. Drury as settlement class counsel, and approved Simpluris, Inc. as settlement administrator.

KEY QUOTATIONS

“When parties enter a settlement before the court certifies a class, the court “must pay ‘undiluted, even heightened, attention’ to class certification requirements” because the court will not have the opportunity to adjust the class based on information revealed at trial.” (ECF opinion at 3)

“When parties “negotiate a settlement agreement before the class has been certified, settlement approval requires a higher standard of fairness and a more probing inquiry than may normally be required under Rule 23(e).”” (ECF opinion at 6)

“The court (1) preliminarily approves the settlement and authorizes the notices as set forth in this order, (2) approves the notice plan, (3) provisionally appoints the class representatives and class counsel, (4) appoints Simpluris as the settlement administrator, (5) orders the procedures in this order, and (6) orders the parties and Simpluris to carry out their obligations pursuant to the Settlement Agreement.” (ECF opinion at 9)

FACTUAL BACKGROUND

Plaintiffs alleged that Choose Your Horizon, Inc., which operates chooseketamine.com, intercepted personally identifying information and protected health information and disclosed that information to third parties. The claims invoked the California Invasion of Privacy Act, the California Confidentiality of Medical Information Act, and the California Constitution. The proposed settlement covered approximately 761 California residents whose information was allegedly disclosed through use of the websites between May 9, 2023, and July 11, 2024, in exchange for a non-reversionary \$400,000 settlement fund.

PROCEDURAL HISTORY

Karen Martinez filed the action on May 9, 2024. The court stayed the case for private mediation, later denied the defendant's second motion to dismiss for lack of personal jurisdiction, compelled arbitration as to Martinez's claims, and stayed her case pending arbitration. Plaintiff Eli Silva was added in the first amended complaint. The parties reached a settlement on October 31, 2025, and the court entered this preliminary-approval order on January 29, 2025.

DISPOSITION

other

CASES CITED

- Staton v. Boeing Co., 327 F.3d 938, 952-53, 977 (9th Cir. 2003)
- Amchem Prods., Inc. v. Windsor, 521 U.S. 591, 620 (1997)
- Hanlon v. Chrysler Corp., 150 F.3d 1011, 1019-22, 1026-29 (9th Cir. 1998)
- Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 350 (2011)
- Betorina v. Randstad US, L.P., No. 15-cv-03646-EMC, 2017 WL 1278758, at *4 (N.D. Cal. Apr. 6, 2017)
- Loc. Joint Exec. Bd. of Culinary/Bartender Tr. Fund v. L.V. Sands, Inc., 244 F.3d 1152, 1162 (9th Cir. 2001)
- Roes 1-2 v. SFBSC Mgmt., LLC, 944 F.3d 1035, 1048-49 (9th Cir. 2019)
- Student A v. Berkeley Unified Sch. Dist., No. 17-cv-02510-JST, 2021 WL 6332353, at *2 n.2 (N.D. Cal. July 8, 2021)
- Villegas v. J.P. Morgan Chase & Co., No. CV 09-00261 SBA (EMC), 2012 WL 5878390, at *6 (N.D. Cal. Nov. 21, 2012)
- Vizcaino v. Microsoft Corp., 290 F.3d 1043, 1048 (9th Cir. 2002)
- In re Hyundai & Kia Fuel Econ. Litig., 926 F.3d 539, 567 (9th Cir. 2019)
- Rodriguez v. W. Publ'g Corp., 563 F.3d 948, 958-59 (9th Cir. 2009)
- Radcliffe v. Experian Info. Sols. Inc., 715 F.3d 1157, 1163-64 (9th Cir. 2013)

- **Bellinghausen v. Tractor Supply Co.**, 306 F.R.D. 245, 266 (N.D. Cal. 2015)

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