

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Pace v. Omni Family Health

No. 1:24-cv-01277-JLT-CDB (E.D. Cal. Mar. 17, 2025) · No. 1:24-cv-01277-JLT-CDB · Decided March 17,
2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations concerning appointment of interim class counsel in litigation arising from a cyberattack and data breach affecting Omni Family Health patients. The court granted Plaintiffs’ motion and appointed Adam E. Polk of Girard Sharp LLP and M. Anderson Berry of Clayeo C. Arnold, APC as interim class counsel. The order was issued after the parties failed to file objections within the prescribed period.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ELLEN PACE, et al., Case No.: 1:24-cv-01277-JLT-CDB 12 Plaintiffs,
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, GRANT 13 v. PLAINTIFFS’
MOTION FOR APPOINTMENT OF INTERIM CLASS 14 OMNI FAMILY HEALTH,
COUNSEL, AND APPOINTING INTERIM CLASS COUNSEL 15 Defendant. (Docs. 15, 30) 16
17 Plaintiffs seek to hold Omni Family Health liable for violations of law related to a cyber- 18
attack and data breach that resulted in the disclosure of personally identifiable information and 19
protected health information of Omni Family Health’s patients.

(See Doc. 1 at 2.) Plaintiffs 20 request the appointment of Adam E. Polk of Girard Sharp LLP and
M. Anderson Berry of Clayeo 21 C. Arnold, APC as interim class counsel pursuant to Rule 23(g)
of the Federal Rules of Civil 22 Procedure. (Doc. 15.) Defendant did not oppose the motion. 23
The magistrate judge found the factors identified under Rule 23(g)(1) weighed in favor of 24
appointment of the proposed interim class counsel.

(Doc. 30.) Specifically, the magistrate judge 25 noted the proposed counsel have “done significant
work identifying and investigating the claims 26 at issue here.” (Id. at 3.) The magistrate judge
found it was “undisputed that proposed counsel 27 have experience handling class actions, other
complex litigation, and most importantly, the types 28 of claims asserted in this litigation.” (Id.)

Likewis e, the magistrate judge found “counsel are 1 | knowledgeable of the law applicable to this
case.” (/d.) Finally, the magistrate judge determined 2 | the proposed counsel “have a good
working relationship” and “are well-established and well- 3 | regarded firms that have

demonstrated their capacity to handle the particulars of this litigation and 4 | can commit the requisite resources to doing so.” (Id. at 4.)

Therefore, the magistrate judge 5 || recommended the Court grant the motion to appoint interim class counsel. (/d. at 5.) 6 The Court served the Findings and Recommendations on the parties and notified them that 7 | any objections were due within 14 days. (Doc. 30 at 5.)

The Court advised the parties the 8 | “failure to file objections within the specified time may result in the waiver of rights on appeal.” 9 | Ud., citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-839 (9th Cir. 2014).) Neither Plaintiffs nor 10 | Defendant filed objections, and the time to do so has passed. 11 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.

12 | Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 13 || are supported by the record and proper analysis. Thus, the Court ORDERS: 14 1. The Findings and Recommendations issued on February 27, 2025 (Doc. 30) are 15 ADOPTED in full. 16 2. Plaintiffs’ motion to appoint interim class counsel (Doc. 15) is GRANTED. 17 3.

Adam E. Polk of Girard Sharp, LLP, and M. Anderson Berry of Clayeo C. Arnold, 18 APC, are APPOINTED as the Interim Class Counsel. 19 20 IT IS SO ORDERED. Dated: _ March 17, 2025 Charis [Tourn TED STATES DISTRICT JUDGE 22 23 24 25 26 27 28