

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 Clayco C. Arnold, APC as interim class counsel. The order was issued after the parties failed to file objections within the prescribed period.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 17, 2025
DOCKET	1:24-cv-01277-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 23(g) for appointment of interim class counsel. The magistrate judge issued findings and recommendations recommending that the motion be granted. After the objection period expired without objections, the district court reviewed and adopted the findings and recommendations.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Ellen Pace, et al. v. Omni Family Health

TOPICS

- class actions
- civil procedure
- medical records privacy
- health law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the proposed attorneys should be appointed as interim class counsel under Federal Rule of Civil Procedure 23(g).
2. Whether the district court should adopt the magistrate judge's findings and recommendations after conducting de novo review under 28 U.S.C. § 636(b)(1).

HOLDINGS

1. The proposed attorneys satisfied the applicable Rule 23(g)(1) considerations and were appointed as interim class counsel.
2. The court adopted the findings and recommendations in full after de novo review because they were supported by the record and proper analysis.

KEY QUOTATIONS

“done significant work identifying and investigating the claims at issue here.” (at 1)

“counsel are knowledgeable of the law applicable to this case.” (at 1)

“The Findings and Recommendations issued on February 27, 2025 (Doc. 30) are ADOPTED in full.” (at 2)

FACTUAL BACKGROUND

Plaintiffs seek to hold Omni Family Health liable for alleged legal violations arising from a cyberattack and data breach that disclosed personally identifiable information and protected health information of the defendant's patients. Plaintiffs proposed Adam E. Polk and M. Anderson Berry as interim class counsel. The magistrate judge found that the proposed counsel had investigated the claims, had experience with class actions and complex litigation, were knowledgeable about the applicable law, worked well together, and had the capacity and resources to handle the litigation.

PROCEDURAL HISTORY

Plaintiffs brought claims arising from a cyberattack and data breach allegedly involving personally identifiable information and protected health information of the defendant's patients. Plaintiffs moved for appointment of interim class counsel, and the magistrate judge recommended granting the motion. The district court conducted de novo review under 28 U.S.C. § 636(b)(1), adopted the findings and recommendations in full, granted the motion, and appointed the proposed attorneys as interim class counsel.

DISPOSITION

other

CASES CITED

- **Wilkerson v. Wheeler**, 772 F.3d 834, 838-839 (9th Cir. 2014)

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