

1 SHANE G. SMITH (SBN 272630)  
ssmith@mccormickbarstow.com  
2 MCCORMICK BARSTOW LLC  
7637 North Fresno Street  
3 Fresno, CA 93720  
Telephone: (559) 433-1300

4 KYLE G.A. WALLACE (pro hac vice)  
5 kwallace@shiverhamilton.com  
SHIVER HAMILTON LLC  
6 3490 Piedmont Road, Suite 640  
Atlanta, GA 30305  
7 Telephone: (404) 593-0020

8 *Attorneys for Defendant,*  
9 *OneShare Health, LLC*

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

13 CORLYN DUNCAN AND BRUCE  
14 DUNCAN,

15 Plaintiffs,

16 v.

17 THE ALIERA COMPANIES, INC., et al.,

18 Defendants.

Case No. 2:20-cv-00867-TLN-KJN

**DEFENDANT’S RESPONSE TO  
PLAINTIFFS’ MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT**

Hon. Troy L. Nunley

19 Defendant, OneShare Health, LLC (“OneShare”) files this response to Plaintiffs’ Motion for  
20 Preliminary Approval to state that while it does not join or agree with all of the arguments set forth  
21 in the motion, it fully supports approval of the class settlement and entry of the [Proposed] Order  
22 Granting Plaintiffs’ Motion for Preliminary Approval of Settlement, as presented by Plaintiffs. See  
23 Dkt. No. 100-11. OneShare’s support of preliminary approval of this class settlement should not be  
24 construed as agreement with Plaintiffs’ analysis of the Rule 23 factors and certification for any  
25 purposes other than settlement or Plaintiffs’ characterization of the merits of their claims. OneShare  
26 disputes the claims as set forth in Plaintiffs’ proposed Second Amended Complaint, believes that all  
27 claims of the Class members are subject to individual arbitration, and does not agree that any of the  
28 Rule 23 factors could be satisfied absent a settlement.

1 OneShare fully agrees with Plaintiffs that the class settlement is the product of a hard-  
2 fought, arms-length negotiation that took more than a year to accomplish and included the assistance  
3 of mediator Hon. Thomas B. Griffith, retired judge of the U.S. Court of Appeals for the D.C. Circuit.  
4 OneShare agrees with Plaintiffs that the class settlement is fair, is in the best interest of the parties  
5 (especially when balanced against the risks of continued litigation on the merits), and should be  
6 approved by this Court.

7 Dated: May 26, 2023

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

8

9

10

By:   /s/ Shane G. Smith    
Shane G. Smith  
Attorneys for Defendant,  
ONESHARE HEALTH, LLC

11

12

13

Dated: May 26, 2023

SHIVER HAMILTON LLC

14

15

By:   /s/ Kyle G.A. Wallace (pro hac vice)    
Kyle G.A. Wallace  
Attorneys for Defendant,  
ONESHARE HEALTH, LLC

16

17

18

19

**ATTESTATION**

20

21

I hereby attest that I have obtained concurrence of the above noted signatories as indicated  
by a “conformed” signature (/s/) within this e-filed document.

22

Dated: May 26, 2023

  /s/ Shane G. Smith    
Shane G. Smith

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

A copy of the foregoing **DEFENDANT’S RESPONSE TO PLAINTIFFS’ MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT** has been filed through the Court's CM/ECF system, which will send notification of such filing to all parties of record. All parties may access the foregoing via the Court's CM/ECF system.

Dated: May 26, 2023

/s/ Shane G. Smith  
Shane G. Smith

039749-000000 9138685.1