



FILED
San Francisco County Superior Court

FEB 23 2017

CLERK OF THE COURT

BY: [Signature] Deputy Clerk

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10 *Attorneys for Plaintiff and the Proposed Class*

11
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF SAN FRANCISCO**

14 KRISTEN NICODEMUS, On Behalf of
Herself and All Others Similarly Situated,

15 Plaintiff,

16 v.

17 SAINT FRANCIS MEMORIAL HOSPITAL,
18 HEALTHPORT TECHNOLOGIES, LLC, and
DOES 1-100, inclusive,
19 Defendants.

) Civil Case No.: CGC-13-531076

) **CLASS ACTION**

) **[PROPOSED] ORDER GRANTING**
MOTION FOR CLASS CERTIFICATION

) Dept. 304

) Judge: Hon. Curtis E.A. Karnow

) Complaint Filed: May 1, 2013

) Trial Date: None set

1 Plaintiff's motion for class certification came on for hearing on February 13, 2014. This
2 Court denied Plaintiff's Motion on March 3, 2014. Plaintiff timely appealed. The Court of
3 Appeal (First District) reversed the denial and ordered the class certified on September 14, 2016.
4 The Supreme Court denied Defendants' petition for review on December 14, 2016. Remittitur
5 issued on January 4, 2017.

6 Pursuant to the ruling of the Court of Appeal, the Court hereby ORDERS that the
7 following class be certified:

8 All adult patients, guardians or conservators of adult patients (or of the
9 adult patient's estate), parents or guardians of minor patients, or personal
10 representatives or heirs of deceased patients, who: (1) requested medical
11 records from a hospital or other medical provider (as enumerated in
12 California Evidence Code §1158) located in California; (2) through an
13 attorney at law or his/her representative; (3) prior to litigation, and
14 (4) were charged by HealthPort more than: (a) ten cents (\$0.10) per page
for reproduction of medical records 8½ x 14 inches or less, (b) twenty
cents (\$0.20) per page for reproduction of medical records from
microfilm, (c) \$16.00 per hour (computed on the basis of four dollars per
quarter hour or fraction thereof) for clerical costs, (d) actual postage
charges, and/or (e) actual costs charged by a third person, from May 1,
2009 to present.

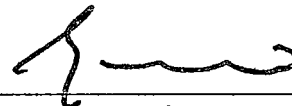
15 Excluded from the Class are: (1) Defendants, any entity or division in
16 which Defendants have a controlling interest, and its/their legal
17 representatives, officers, directors, assigns and successors; (2) the judge to
18 whom this case is assigned and any member of the judge's immediate
family; and (3) claims for personal injury, wrongful death and emotional
distress and claims of consequential property damage and loss.

19 Plaintiff Kristen Nicodemus is appointed as representative of the class.

20 Lori E. Andrus and Mark Burton are appointed as class counsel.

21
22 IT IS SO ORDERED.

23
24 Dated: February 23, 2017__



25 Hon. Curtis E.A. Karnow
26 Judge of the Superior Court
27
28

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, DANIAL LEMIRE, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **FEB 24 2017**, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated:

FEB 24 2017

T. Michael Yuen, Clerk

By: 

DANIAL LEMIRE, Deputy Clerk