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11 Attorneys for Defendant KINDRED  
 12 HEALTHCARE OPERATING, INC.

13 UNITED STATES DISTRICT COURT

14 CENTRAL DISTRICT OF CALIFORNIA

15 TINAMARIE FATIAH AL-NAJJAR,  
 16 on behalf of herself and all others  
 17 similarly situated,

17 Plaintiff,

18 v.

19 KINDRED HEALTHCARE  
 20 OPERATING, INC., a Delaware  
 21 corporation; and DOES 1 through 10,  
 22 Inclusive,

22 Defendants.

Case No. 2:17-cv-06166-PSG-FFM

**~~PROPOSED~~ STIPULATED  
 PROTECTIVE ORDER  
 REGARDING NOTICE TO  
 PUTATIVE CLASS**

Trial Date: None Set  
 Complaint Filed: June 23, 2017

23 Plaintiff TinaMarie Fatiah Al-Najjar (“Plaintiff”) and Defendant Kindred  
 24 Healthcare Operating, Inc. (“Defendant”) (collectively, the “Parties”), through their  
 25 counsel of record, hereby stipulate as follows:

26 WHEREAS, Plaintiff filed a class-action complaint (“Complaint”) in Los  
 27 Angeles Superior Court on June 23, 2017, and Defendant answered the Complaint  
 28

1 on August 17, 2017. (Dkt. No. 1, Exs. A, C.);

2 WHEREAS, Defendant removed the case to this Court on August 18, 2017.  
3 (Dkt. No. 1.);

4 WHEREAS, under Central District Local Rule 23-3, all motions for  
5 certification must be filed within 90 days of commencement, unless otherwise  
6 ordered by the Court;

7 WHEREAS, Plaintiff has requested and Defendant has declined to stipulate to  
8 relieve Plaintiff from Local Rule 23-3.

9 WHEREAS, the Parties have met and conferred regarding the notice process  
10 to obtain the name and last known home address and telephone number for putative  
11 class members.

12 Therefore, given the short deadline imposed by Local Rule 23-3, instead of  
13 the opt-out process under *Belaire-West Landscape, Inc. v. Superior Court*, 149 Cal.  
14 App. 4th 554 (2007), the Parties choose to follow the notice process sanctioned by  
15 this Court in *York v. Starbucks Corp.*, 2009 U.S. Dist. LEXIS 92274, \*4-5, 2009 WL  
16 3177605 (C.D. Cal. June 30, 2009), and stipulate as follows:

17 (1) The protections of this Stipulation and Order are in addition to the  
18 general protections the Parties agreed to under the Parties' Stipulated Protective Order  
19 and Clawback Agreement, filed with this Court on September 26 ("Protective Order").  
20 [Dkt No.13.]

21 (2) Contact information for the putative class is protected by the employees'  
22 right to privacy, and it shall be designated as "CONFIDENTIAL" as defined by  
23 Section 2.2 of the Parties' Protective Order [Dkt No. 13] before being produced to  
24 Plaintiff's Counsel.

25 (3) At the outset of Plaintiff Counsel's first contact with each employee,  
26 Plaintiff's Counsel will inform each employee that the employee has the right not to  
27 talk with Plaintiff's Counsel.

28 (4) Plaintiff's Counsel will also inform each employee that his or her refusal

1 to speak with counsel will not prejudice his or her rights as a class member should the  
2 Court certify the class.

3 (5) If any employee elects not to talk to Plaintiff's Counsel, Plaintiff Counsel  
4 will terminate the contact and not contact him or her again unless required by Court  
5 Order.

6 (6) Plaintiff's Counsel will keep a list of all employees who make it known  
7 that they do not want to be contacted and preserve that list for the Court.

8 (7) The contact information will be used only for the purposes of this action,  
9 and it will not be disseminated to anyone who is not necessary to the prosecution of  
10 this case.

11 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

12 Dated: September 27, 2017

13 /s/ James DeSario  
14 MICHAEL NOURMAND  
15 JAMES A. DE SARIO  
THE NOURMAND LAW FIRM, APC  
Attorneys for Plaintiff

16 I attest that all other signatures listed, and on whose behalf the filing is submitted,  
17 concur in the filings content and have authorized the filing as required under Local  
Rule 5-4.3.4(a)(2)(i).

18 Dated: September 27, 2017

19 /s/ Alison Cubre  
20 MICHAEL E. BREWER  
21 BILLIE D. WENTER  
22 ALISON J. CUBRE  
23 LISA LIN GARCIA  
Littler Mendelson, P.C.  
Attorneys for Defendant  
KINDRED HEALTHCARE  
OPERATING,  
INC.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25  
26 DATED: October 6, 2017

27 FREDERICK F. MUMM  
28 Honorable Frederick F. Mumm  
United States Magistrate Judge

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