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5 *Attorneys for Plaintiffs and the*  
*Proposed Settlement Class*

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF SAN MATEO**

11  
12 ALABAMA DOE 1, ALABAMA DOE 2,  
INDIANA DOE, MISSOURI DOE, and  
13 FLORIDA DOE, Individually, and on Behalf of  
All Others Similarly Situated,

14 Plaintiffs,

15 vs.

16 GILEAD SCIENCES, INC.,

17 Defendant.

Case No.: 20-CIV-03699

**PLAINTIFFS' NOTICE OF MOTION  
AND UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Dept: 22  
Judge: Hon. Danny Chou  
Date: December 1, 2022  
Time: 11:00 a.m.

CLASS ACTION

Action Filed: September 1, 2020  
Trial Date: None Set

1 TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on December 1, 2022 at 11:00 a.m., or as soon thereafter as  
3 the matter may be heard, in the San Mateo Superior Court, Department 22, Plaintiffs Alabama Doe  
4 1, Alabama Doe 2, Indiana Doe, Missouri Doe, and Florida Doe, individually, and as  
5 representatives of the settlement class (“Plaintiffs”), will move this Court for an order:

6 1. Granting preliminary approval of the settlement of this class action as set forth in the  
7 Settlement Agreement (“Settlement Agreement”), attached as Ex. A to the Declaration of Shanon J.  
8 Carson;

9 2. Conditionally certifying the Settlement Class for settlement purposes only;

10 3. Appointing Shanon J. Carson, John Albanese, and Sophia Rios of Berger Montague  
11 PC, Ronda Goldfein, Yolanda Lollis, and Adrian Lowe of the AIDS Law Project of Pennsylvania,  
12 and John Grogan and Kevin Trainer of Langer Grogan & Diver P.C. as Co-Lead Class Counsel, and  
13 Plaintiffs as Class Representatives;

14 4. Directing the dissemination of notice in the form and manner set forth in the  
15 Settlement Agreement; and

16 5. Setting a Final Approval Hearing.

17 The Motion is based on this Notice, the supporting Memorandum of Points and Authorities,  
18 the Declaration of Shanon J. Carson, the Declaration of John J. Grogan, and the pleadings and  
19 papers on file in this action, and any other matter of which this Court may take notice. Defendant  
20 does not oppose the relief sought in this motion.

21 Respectfully submitted,

22 Dated: October 21, 2022

**BERGER MONTAGUE PC**

23  
24 By:   
25 Sophia Rios

26 *Attorneys for Plaintiffs and the*  
27 *Proposed Settlement Class*

**PROOF OF SERVICE**

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2  
3 1. I am over eighteen years of age and not a party to this action. I am employed in the  
4 County of San Diego, State of California. My business address is 401 B Street, Suite  
5 2000, San Diego, California 92101.

6 2. On October 21, 2022, I served the following document(s):

7 **PLAINTIFFS’ NOTICE OF MOTION AND UNOPPOSED MOTION FOR**  
8 **PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

9 **PLAINTIFFS’ MEMORANDUM OF POINTS AND AUTHORITIES IN**  
10 **SUPPORT OF UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF**  
11 **CLASS ACTION SETTLEMENT**

12 **[PROPOSED] ORDER GRANTING PLAINTIFFS’ MOTION FOR**  
13 **PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND**  
14 **QUALIFIED PROTECTIVE ORDER**

15 3. I served the document(s) on the following person(s):

16 **See attached Service List.**

17 4. The documents were served by the following means:

18  **By U.S. Mail.** I enclosed the document(s) in a sealed envelope or package addressed  
19 to the person(s) at the address(es) in Item 3 and (**check one**):

20  deposited the sealed envelope with the United States Postal Service, with the  
21 postage fully prepaid.

22  placed the envelope for collection and mailing, following our ordinary  
23 business practices. I am readily familiar with this business’ practice for collecting  
24 and processing correspondence for mailing. On the same day the correspondence is  
25 placed for collection and mailing, it is deposited in the ordinary course of business  
26 with the United States Postal Service, in a sealed envelope with postage fully  
27 prepaid.

28 I am employed in the county where the mailing occurred. The envelope or package  
was placed in the mail at San Diego, California

**By Overnight Delivery/Express Mail.** I enclosed the documents and an unsigned  
copy of this declaration in a sealed envelope or package designated by [**name of**  
**delivery company or U.S. Postal Service for Express Mail**] addressed to the  
persons at the address(es) listed in Item 3, with [**Express Mail postage or, if not**  
**Express Mail, delivery fees**] prepaid or provided for. I placed the sealed envelope or  
package for collection and delivery, following our ordinary business practices. I am  
readily familiar with this business’ practice for collecting and processing

1 correspondence for express delivery. On the same day the correspondence is  
2 collected for delivery, it is placed for collection in the ordinary course of business in  
3 a box regularly maintained by **[name of delivery company or U.S. Postal Service  
for Express Mail]** or delivered to a courier or driver authorized by **[name of  
delivery company]** to receive documents.

4  
5  **By Messenger Service.** I served the documents by placing them in an envelope or  
6 package addressed to the persons at the address(es) listed in Item 3 and providing  
7 them to a professional messenger service for service. (*See* attached Declaration(s) of  
8 Messenger.)

9  **By Facsimile Transmission.** Based on an agreement between the parties to accept  
10 service by facsimile transmission, which was confirmed in writing, I faxed the  
11 document(s) and an unsigned copy of this declaration to the person(s) at the facsimile  
12 numbers listed in Item 3 on **[date]**, at **[type time]**. The transmission was reported as  
13 complete without error by a transmission report issued by the facsimile machine that  
14 I used immediately following the transmission. A true and correct copy of the  
15 facsimile transmission report, which I printed out, is attached hereto.

16  **By Electronic Service (E-mail).** Based on California Rule of Court 2.251(c)(3), or  
17 on a court order, or on an agreement of the parties to accept service by electronic  
18 transmission, I transmitted the document(s) to the person(s) at the electronic  
19 notification address(es) listed in Item 3 on **[date]**.

20  **Via Court Notice of Electronic Filing.** The document(s) will be served by the court  
21 via NEF and hyperlink to the document(s). On **[date]**, I checked the CM/ECF docket  
22 for this case or adversary proceeding and determined that the person(s) listed in Item  
23 3 are on the Electronic Mail Notice List to receive NEF transmission at the email  
24 addresses indicated in Item 3 **[or on the attached service list, if applicable]**.

25  **Via Electronic Notification.** The document(s) will be served via electronic  
26 notification on **October 21, 2022** on the person(s) listed in Item 3 at the email  
27 addresses indicated in Item 3 **[or on the attached service list, if applicable]**.

28  **STATE:** I declare under penalty of perjury under the laws of the State of California  
that the foregoing is true and correct.

**FEDERAL:** I declare that I am employed in the office of a member of the bar of this  
court at whose direction the service was made.

Dated: October 21, 2022

/s/ Julie Gionnette

Julie Gionnette

jgionnette@bm.net

1 **SERVICE LIST**

2 *Attorneys for Defendant Gilead, Inc.*

3 Kenneth L. Chernof (SBN 156187)  
4 ARNOLD & PORTER KAYE SCHOLER LLP  
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***Attorneys for Plaintiffs***

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<p>Shanon Carson BERGER MONTAGUE PC 1818 Market Street, Suite 3600 Philadelphia, PA 19103 Tel: (215) 875-3000 Email: scarson@bm.net</p>	<p>Ronda Goldfein Yolanda Lollis Adrian Lowe AIDS LAW PROJECT OF PENNSYLVANIA 1211 Chestnut Street, Suite 600 Philadelphia, PA 19107 Tel: (215) 587-9377 Email: goldfein@aidslawpa.org lollis@aidslawpa.org alowe@aidawpa.org</p>
<p>John Grogan LANGER GROGAN &amp; DIVER PC 1717 Arch Street, Suite 4020 Philadelphia, PA 19103 Tel: (215) 320-5660 Email: jgrogan@langergrogan.com</p>	

***JUDGE***

Hon. Danny Y. Chou  
Dept. 22, Courtroom K  
1050 Mission Road  
S. San Francisco, CA 94080  
Email: dept22@sanmateocourt.org

*Courtesy Copy*