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17

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA
20 WESTERN DIVISION

21 ANTHONY RANDALL,

22 Plaintiff,

23 vs.

24 UNITED NETWORK FOR ORGAN
SHARING; CEDARS-SINAI MEDICAL
25 CENTER,

26 Defendants.
27
28

Case No. 2:23-cv-02576-MEMF-MBKx

**PLAINTIFF'S CLASS NOTICE PLAN AND
PROPOSED CLASS NOTICE**

Ctrm.: 8B

Judge: Maame Ewusi-Mensah Frimpong

1 Plaintiff Anthony Randall hereby respectfully submits this Proposed Class Notice Plan and
2 stipulated Class Notice. The proposed Notice Plan and stipulated Class Notice, filed concurrently
3 herewith, comport with Rule 23(c)(2) and due process. *See e.g., Eisen v. Carlisle & Jacqueline*, 417
4 U.S. 156, 173-177 (1974). The Ninth Circuit has held that the notice with regard to Class Members,
5 should be “the best notice that is practicable under the circumstances....” *Roes 1-2 v. SFBSC Mgmt.,*
6 *LLC*, 944 F.2d 1035, 1048 (9th Cir. 2019). “Conformity with the requirements of Rule 23(c)(2)
7 fulfills the due process mandate.” *In re Global Crossing Sec. & ERISA Litig.*, 225 F.R.D. 436, 448
8 (S.D.N.Y. 2004) (citing *Eisen v. Carlisle, supra*).

9 CLASS NOTICE DESIGN AND CONTENT

10 The proposed Class Notice, attached hereto as **Exhibit A**, is designed to comply with Rule
11 23’s guidelines for class action notices, as well as the FJC’s *Judges’ Class Action Notice and Claims*
12 *Process Checklist and Plain Language Guide*. Pursuant to Rule 23(c)(2)(B), the proposed Class
13 Notice advises class members of (i) the nature of the action; (ii) the definition of the class certified;
14 (iii) the class claims, issues, or defenses; (iv) that a class member may enter an appearance through
15 an attorney if the member so desires; (v) that the court will exclude from the class any member who
16 requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding effect
17 of a class judgment on members under Rule 23(c)(3). Courts routinely approve notices that have
18 been written and designed in a similar manner.

19 CLASS NOTICE PLAN OVERVIEW

20 The objective of the proposed Notice Plan is to provide the best notice practicable, consistent
21 with the methods and tools employed in other court-approved notice programs. The Notice Plan
22 includes efforts to reach both the California and Cedars Classes. Plaintiff has engaged Epiq Class
23 Actions & Claims Solutions, Inc. (“Epiq”) to effectuate this Class Notice Plan, and Epiq has
24 executed the Acknowledgment attached to the Stipulated Protective Order in this case.

25 The proposed Notice Plan consists of direct notice, targeted digital notice, an internet search
26 effort, and the distribution of earned media in English and Spanish to media outlets throughout
27 California.

28 The Class Notice will direct Class Members to a case website where the Class Noticed

1 attached as Exhibit A will be maintained. The Plaintiff will also maintain a toll-free number, post
2 office box, and email address for this matter.

3 **DIRECT NOTICE EFFORT**

4 Defendants UNOS and Cedars-Sinai have produced contact information for some Class
5 Members. Defendant Cedars-Sinai has committed to providing additional class member contact
6 information in the coming days. Third-party transplant hospitals have committed to producing class
7 member contact information by July 1, 2026. Plaintiff will provide Epiq with a class list for
8 identified class members for the class period. The class list will include names, email addresses, and
9 physical addresses, as available, for identified class members. Epiq will review and analyze the class
10 list and perform an analysis to identify duplicative records and roll-up records. An Email Notice
11 will be sent to all identified class members with a valid email address. A Postcard Notice will be
12 sent to all identified class members with an associated physical address without a valid email address
13 as well as to whom the Email Notice is returned as undeliverable after several attempts. The Postcard
14 Notices will be mailed via United States Postal Service (“USPS”) first class mail.

15 Upon receipt of the Class Member data, Epiq will promptly load the information into a
16 secure case-specific database for this case. Epiq employs appropriate administrative, technical and
17 physical controls designed to ensure the confidentiality and protection of Class Member data, as
18 well as to reduce the risk of loss, misuse, or unauthorized access, disclosure or modification of Class
19 Member data.

20 Prior to mailing, Epiq will perform advanced address research using skip trace databases and
21 the United States Postal Service (“USPS”) National Change of Address (“NCOA”) database to
22 update addresses. Epiq will track all notices returned undeliverable by the USPS and will promptly
23 re-mail notices that are returned with a forwarding address. In addition, Epiq will also take
24 reasonable efforts to research and determine if it is possible to reach a Class Member for whom a
25 notice is returned without a forwarding address, either by mailing to a more recent mailing address
26 or using available skip-tracing tools to identify a new mailing address and/or an email address by
27 which the potential Class Member may be reached, if an email already has not been sent.

28 In addition, Epiq will follow industry standard best practices for the Email Notice efforts.

1 The Email Notice will be drafted in such a way that the subject line, the sender, and the body of the
2 message overcome SPAM filters and ensure readership to the fullest extent reasonably practicable.
3 For instance, the Email Notice will use an embedded html text format. This format will provide
4 easy-to-read text without graphics, tables, images and other elements that could increase the
5 likelihood that the message could be blocked by Internet Service Providers (ISPs) and/or SPAM
6 filters for this type of email communication. The Email Notices will be sent from an IP address
7 known to major email providers as one not used to send bulk “SPAM” or “junk” email blasts. Each
8 Email Notice will be transmitted with a digital signature to the header and content of the Email
9 Notice, which will allow ISPs to programmatically authenticate that the Email Notices are from
10 authorized mail servers. Each Email Notice will also be transmitted with a unique message identifier
11 and will include an embedded link to the case website.

12 Plaintiff anticipates that that the direct notice effort alone will reach a significant portion of
13 Class Members.

14 **DIGITAL NOTICE**

15 To supplement the robust direct notice effort, Epiq will design a targeted digital effort. The
16 digital effort will consist of a targeted effort with the leading digital network (Google Display
17 Network) and the top social media sites (Facebook, Instagram, X/Twitter, and Reddit). Further, to
18 facilitate locating the Class Action website, sponsored search listings will be acquired on the three
19 most highly-visited internet search engines: *Google*, *Yahoo!*, and *Bing*. When visitors to these search
20 engines search for selected keyword combinations related to the case, the sponsored search listing
21 advertisement created for this case will be displayed. Generally, the sponsored search listing
22 advertisement will appear at the top of the visitor’s website page prior to the search results or in the
23 upper right-hand column of the web-browser screen. The sponsored search listings will be displayed
24 nationwide. All sponsored search listings will link directly to the case website.

25 Courts within the Ninth Circuit have approved the use of digital media campaigns similar to
26 the one proposed in this case to effectuate the due process mandate of Fed. R. Civ. P. 23(c)(2). *See*,
27 *e.g.*, *Schneider v. Chipotle Mexican Grill, Inc.*, 2019 WL 1512265, *6-7 (N.D. Cal. 2019). In
28 *Schneider*, the Court approved the “implementation of an internet media effort of digital media

1 advertising to be distributed over desktop and mobile devices, including tables and smartphones,
2 via Google Display Network and Facebook over a period of 60 days, targeting likely Class
3 Members.” *Id.* The Court here should do the same.

4 **CLASS ACTION WEBSITE**

5 A case website will be established with an easy-to-remember domain name. Class members
6 will be able to obtain detailed information about the case and review key documents, including the
7 operative Complaint, Class Notice, Class Certification Order, and any other important court
8 documents. In addition, the case website will include answers to frequently asked questions
9 (“FAQs”), instructions for how class members may opt-out (request exclusion), and how to obtain
10 other case-related information. The website address will be displayed prominently in all notice
11 documents.

12 **PHONE ACCESS, P.O. BOX, AND EMAIL ADDRESS**

13 Plaintiff will provide a telephone number at Class Counsel’s law firm for Class Members to
14 call for information related to the lawsuit. Class Members will also be able to leave a message for a
15 return call. The telephone line will be available 24 hours a day, seven (7) days a week. Plaintiff will
16 also provide the address for a dedicated Post Office Box and email address where Class Members
17 may send opt-out notices or written inquiries to class counsel.

18 **CONCLUSION**

19 The proposed Notice, the method, and the schedule for notifying the Classes of the pendency
20 of the action as a class action meet the requirements of Fed. R. Civ. P. 23 and due process, and
21 constitute the best notice practicable under the circumstances.

1 Dated: July 1, 2026

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By: Daniel A. Contreras
Attorneys for Plaintiff Anthony Randall

EXHIBIT A

LEGAL NOTICE

This is a court-required notice. This is not a notice from a lawyer trying to sell you anything.

Case: *Randall v. United Network for Organ Sharing, et al.*, Case No. 2:23-cv-02576-MEMF-MAA in the U.S. District Court for the Central District of California.

Why am I getting this notice?

You are getting this notice because you may be part of a group of people involved in a lawsuit. In a lawsuit like this, that group is called a “class,” and the people in it are called “class members.” Records suggest you may be one of them. This notice explains what the lawsuit is about, what your rights are, and the choices you can make.

What is the lawsuit about?

The people who brought the lawsuit contend that two organizations—the United Network for Organ Sharing (UNOS) and Cedars-Sinai Medical Center (Cedars-Sinai)—assessed or allowed for the assessment of Black patients’ kidney function scores differently because of their race.

Plaintiff contends, UNOS and Cedars-Sinai used or allowed others to use a calculation (sometimes called the “race-based coefficient”) that made Black patients’ kidneys appear healthier than they really were. As a result, allegedly it may have taken longer for some Black patients to get on the kidney transplant waiting list, and some may have missed out on offers for donor kidneys.

The lawsuit claims this conduct violated a California anti-discrimination law called the Unruh Civil Rights Act. The lawsuit asks the court to order payment of at least \$4,000 for each time the discrimination happened, plus the lawyers’ fees and costs.

What do UNOS and Cedars-Sinai say?

UNOS and Cedars-Sinai contend they did what was in the patients’ best interest and did not violate California law. The court has not yet decided who is right.

Who is included in the lawsuit?

The court has officially approved the following group or groups of people as part of this case:

California Class: Black kidney disease patients registered on the national kidney transplant waitlist at California transplant hospitals, from 2000 to the present, that received or would have qualified for a wait time adjustment because a lab test shows that with a race-inclusive calculation, the candidate’s eGFR was over 20 mL/min, but with a race-neutral calculation it would have been 20 mL/min or less, given that the patients received a delay in their accrual of wait time, attributable to the race-conscious coefficient. Excluded from this class is any person filing an individual personal injury or wrongful death action.

Cedars Class: Black kidney disease patients registered on the national kidney transplant waitlist at Cedars-Sinai Medical Center, from 2000 to the present, that

received or would have qualified for a wait time adjustment because a lab test shows that with race-inclusive calculation, the candidate's eGFR was over 20 mL/min, but with a race neutral calculation it would have been 20 mL/min or less, given that the patients received a delay in their accrual of wait time, attributable to the race-conscious coefficient. Excluded from this class is any person filing an individual personal injury or wrongful death action.

If you are not sure whether you are included, you can contact the lawyer listed below to ask.

Is there a lawyer for the classes?

The court has appointed a lawyer to represent everyone in the classes. The lawyer is:

Matthew L. Venezia
Watstein Terepka LLP
515 South Flower St., 19th Floor
Los Angeles, CA 90071
Email: RandallClassAction@wtlaw.com
Phone: (213) 753-1337

If you have questions or want to talk about the case, you can contact him using the information above.

What are my choices?

You have three choices. Please read them carefully.

1. Do nothing and stay in the lawsuit.

If you do nothing, you stay in the group. You do not have to pay anything or hire your own lawyer. If the group wins or settles, you may be able to share in the result. You also choose not to sue UNOS and Cedars-Sinai on your own about this same issue, and you will be bound by the court's decision.

2. Hire your own lawyer and take part on your own.

You may hire your own lawyer, at your own cost, and make an appearance in the case yourself.

3. Remove yourself from the lawsuit ("opt out").

You may decide to remove yourself from this lawsuit. This is called "opting out." If you opt out, you keep the right to file a separate lawsuit on your own, but you will not receive anything from this lawsuit.

To opt out, send your name and a statement that you want to be removed from this class action, either:

- by email to RandallClassAction@wtlaw.com, or
- by letter to [DEDICATED P.O. BOX ADDRESS TO BE ADDED]¹.

¹ For the Court's purposes, Plaintiff has retained Epiq Class Actions & Claims Solutions, Inc. ("Epiq") to administer class notice. Epiq will obtain and provide a P.O. Box address to include with this class notice.

Your request must be received no later than September 23, 2026.

How do I get more information?

Contact the court-appointed lawyer for the classes, Matthew L. Venezia, using the contact information above.