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14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN FRANCISCO

17 UFCW & Employers Benefit Trust, on behalf
of itself and all others similarly situated

18 Plaintiffs,

19 vs.

20 Sutter Health, et al.,

21 Defendants.

22
23 People of the State of California, ex. rel. Xavier
Becerra,

24 Plaintiff,

25 vs.

26 Sutter Health,

27 Defendant.
28

Case No. CGC 14-538451
Consolidated with
Case No. CGC-18-565398

Assigned for all purposes to
Hon. Anne-Christine Massullo, Dept. 304

**DECLARATION OF JACQUES LOVEALL
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO SUTTER'S MOTION TO
CONTINUE PRELIMINARY APPROVAL
HEARING**

Hearing Date: July 9, 2020
Time: 9:15 a.m.

Action Filed: April 7, 2014

1 **DECLARATION OF JACQUES LOVEALL**

2 I, Jacques Loveall, hereby declare:

3 1. I am the Chair of the Board of Trustees (“Board”) and a Trustee for Plaintiff UFCW &
4 Employers Benefit Trust (“UEBT”), a multi-employer Taft-Hartley Trust and a nonprofit Voluntary
5 Employee Beneficiary Association. I have been a Trustee for UEBT, and previously for the UFCW
6 Northern California Health and Welfare Trust Fund, since January 2001. I am the elected President of
7 UFCW 8—Golden State, one of the unions whose members participate in UEBT, and I am also an
8 International Vice President for the United Food & Commercial Workers (“UFCW”) International
9 Union. I am on the Executive Council of the California Labor Federation, a federation of 1,200
10 affiliated unions that voluntarily join together to help working people build better lives and futures for
11 our families.

12 2. UFCW 8 represents grocery and other food workers in Northern California who are
13 hard at work making sure our communities have access to groceries and other essential supplies during
14 the COVID-19 crisis. UEBT provides health care benefits to these grocery and food workers, who are
15 participants in the UEBT plan. UEBT’s contributing employers include Safeway, Raley’s, and
16 SaveMart, among others.

17 3. UEBT seeks to provide quality health benefits to its participants at affordable costs.
18 UEBT’s Board is responsible for managing its benefits plan solely in the interest of participants and
19 beneficiaries, managing plan assets to provide benefits and pay plan expenses, and approving all plan
20 documents, benefit options, and contracts with network vendors to obtain access to health care services
21 for its participants.

22 4. UEBT’s Board is responsible for managing and supervising this litigation as the class
23 representative. At the request of the Board of Trustees, I have been one of the trustees specifically
24 responsible for regularly supervising all substantive issues related to the litigation, and I have actively
25 fulfilled that oversight responsibility from the beginning of the litigation to the present day. The Board
26 understands UEBT’s fiduciary duty to absent class members, and we have been deeply committed to
27 prosecution of the case and managing the litigation. UEBT has vigorously protected the interests of
28 the class for over six years.

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5. UEBT determined that the settlement reached with Sutter in 2019 was in the best interests of the class.

6. UEBT has determined that a further continuance or stay of the preliminary approval proceedings is not in the best interests of the class. Our lawsuit alleged that Sutter abused its market power to overcharge millions of Northern Californians. By requesting an additional stay, Sutter is now seeking to extend the benefit of avoiding a trial without having to stop the conduct that led to the litigation in the first place. UEBT urges the Court to proceed with preliminary approval of the settlement agreement as being in the best interests of the class.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 24, 2020, at Roseville, California.



Jacques Loveall