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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
CIVIL ACTION

JUSTIN DINKEL and VERONICA HICKS,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

Docket No. 2581CV02933

AMERICAN CONSUMER CREDIT COUNSELING,
INC.,

Defendant.

LR

~~UNOPPOSED PROPOSED~~ **PRELIMINARY APPROVAL ORDER**

WHEREAS, this Action¹ is a putative class action before this Court.

WHEREAS, Plaintiffs, individually and on behalf of the proposed Settlement Class, and American Consumer Credit Counseling, Inc. ("ACCC") have entered into the Settlement Agreement, which is subject to review and approval by the Court under Mass. R. Civ. P. 23, and which, together with its exhibits, provides for a complete dismissal with prejudice of the claims asserted in the Action against ACCC should the Court grant Final Approval of the Settlement;

WHEREAS, Plaintiffs filed an unopposed motion requesting entry of an order to: (1) conditionally certify the Settlement Class; (2) granting preliminary approval of the Settlement Agreement; (3) appoint Plaintiffs as Class Representatives; (4) appoint Casandra Turner as Class Counsel; (5) approve the method and form of Notice to be sent to the Settlement Class Members; (6) approve the Claim Form and claims process; (7) order the Settlement's objection procedures;

¹ The capitalized terms used herein are defined and have the same meaning as used in the Settlement Agreement unless otherwise stated.

(8) appoint the Settlement Administrator; (9) stay all deadlines in the Action pending Final Approval of the Settlement; (10) enjoin and bar all members of the Settlement Class from initiating or continuing in any litigation or asserting any claims against ACCC and the Released Parties arising out of, relating to, or in connection with the Released Claims prior to the Court's decision to grant Final Approval of the Settlement; and (11) set a date for the Final Fairness Hearing; and

WHEREAS, the Court having reviewed the Motion along with the Settlement Agreement and its exhibits finds that substantial and efficient grounds exist for entering this Preliminary Approval Order granting the relief requested.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. **Settlement Class Certification:** Pursuant to Mass. R. Civ. P. 23, the Action is hereby preliminarily certified as a class action on behalf of the following Settlement Class:

all individuals residing in the United States whose PII was potentially compromised in the Data Incident experienced by Defendant, including all those who received notice of the Data Incident.

The Settlement Class specifically excludes: (1) Defendant; (2) Defendant's affiliates, parents, subsidiaries; (3) any entity in which Defendant has a controlling interest; (4) any of Defendant's officers or directors; (5) any successors; (6) any judge who adjudicates this case, including their staff and immediate family; and (7) any person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Data Incident, or who pleads *nolo contendere* to any such charge.

2. **Settlement Class Representatives:** The Court approves Plaintiffs Veronica Hicks and Justin Dinkel as Settlement Class Representatives having found them as adequate class representatives.

3. **Settlement Class Counsel:** The Court appoints Casondra Turner as Class Counsel

to serve as Settlement Class Counsel. The Court finds that proposed Settlement Class Counsel has expended a reasonable amount of time, effort, and expense investigating the Data Incident and that Settlement Class Counsel is highly skilled and knowledgeable concerning class action practice.

4. **Settlement Class Findings:** The Court finds, for purposes of settlement only, that the Settlement Class meets the requirements of Mass. R. Civ. P. 23. Joinder of all Class Members in a single proceeding would be impracticable, if not impossible, because of their numbers and dispersion. Common issues exist among Class Members and predominate over questions affecting individual Class Members only: in particular, whether ACCC was negligent regarding its handling of Plaintiffs' private information. The Settlement Class Representatives' claims are typical of those of the Settlement Class, as the Settlement Class Representatives had or may have had their private information accessed or acquired in the Data Incident. The Settlement Class Representatives and their counsel will fairly and adequately protect the interests of the Settlement Class as the Settlement Class Representatives have no interests antagonistic to the Settlement Class and have retained counsel who are experienced and competent to prosecute this matter on behalf of the Settlement Class. Finally, a class settlement is superior to other methods available for a fair resolution of the controversy.

5. **Preliminary Approval of Settlement:** The Court hereby preliminarily approves the settlement, as embodied in the Settlement Agreement, as being fair, reasonable, and adequate and in the best interest of the named Plaintiffs and the Settlement Class, subject to further consideration at the Final Approval Hearing to be conducted as described herein. The Court finds the Settlement meets the considerations set for in Mass. R. Civ. P. 23.

6. **Claims Administrator:** The Parties are authorized to use Simpluris, Inc. as the Settlement Administrator to supervise and administer the Notice, as well as to administer the

Settlement should the Court grant Final Approval.

7. **Approval of Notice Program and Notices:** The Court approves the form and procedure for disseminating notice of the proposed settlement to the Settlement Class as set forth in the Settlement Agreement. The Court finds that the notice program: (a) is the best notice practicable under the circumstances; (b) constitutes notice that is reasonably calculated, under the circumstances, to apprise Settlement Class Members of the pendency of the Action, the terms of the Settlement, the effect of the proposed Settlement (including the Releases contained therein), and their right to object to the proposed Settlement and appear at the Final Approval Hearing; (c) constitutes due, adequate, and sufficient notice to all persons entitled to receive notice of the proposed Settlement; and (d) satisfies the requirements of Mass. R. Civ. P. 23, including the Due Process Clause of the United States Constitution, the rules of this Court and all other applicable law and rules. The date and time of the Final Approval Hearing shall be posted on the Settlement Website and included in the Long Form Notice, and Postcard Notice, respectively, before they are mailed or published.

8. **Claim Form and Claims Process:** The Court approves the Claim Form as set forth in the Settlement and the claims process to be implemented by the Settlement Administrator. The Claim Form is straightforward and easy to complete, allowing each Settlement Class Member to elect the alternative Settlement Class Member Benefits. Should the Court grant Final Approval to the Settlement, Settlement Class Members shall be bound by its terms even if they do not submit Claims.

9. As set forth in the Settlement Agreement, ACCC shall bear all costs and expenses associated with providing notice to the Settlement Class and administering the proposed settlement.

10. **Dissemination of Notice and Claim Forms:** The Court directs the Settlement

Administrator to disseminate the Notices and Claim Form as approved herein. Settlement Class Counsel and ACCC's Counsel are hereby authorized to use all reasonable procedures in connection with approval and administration of the Settlement that are not materially inconsistent with this order or the Settlement, including making, without the Court's further approval, minor form or content changes to the Notices and Claim Form they jointly agree are reasonable or necessary.

11. **Objections to the Settlement:** Any member of the Class who intends to object or comment on the request for final approval of the Settlement Agreement or on the application for attorneys' fees, costs, and Service Awards, must, no later than sixty (60) days after the Notice Date, file his or her objection or comment with the Court, and provide copies of the objection or comment to: (1) the Court; and (2) Settlement Class Counsel. To state a valid objection to the Settlement, a Settlement Class Member must provide the following information: (a) the objector's full name, address, telephone number (if any), and email address (if any); (b) information identifying the objector as a Settlement Class Member; (c) a written statement of all grounds for the objection, accompanied by any legal support the objector cares to submit; (d) the identity of all lawyers (if any) representing the objector; (e) the identity of all of the objector's lawyers (if any) who will appear at the Final Fairness Hearing; (f) a list of all persons who will be called to testify at the Final Fairness Hearing in support of the objection; (g) a statement confirming whether the objector intends to personally appear and/or testify at the Final Fairness Hearing; and (h) the objector's signature or the signature of the objector's duly authorized lawyer or other duly authorized representative.

12. In addition to the foregoing, objections should also provide the following information: (a) a list, by case name, court, and docket number, of all other cases in which the objector (directly or through a lawyer) has filed an objection to any proposed class action

settlement within the last five (5) years and (b) a list, by case number, court, and docket number, of all other cases in which the objector has been a named plaintiff in any class action or served as a lead plaintiff or class representative.

13. Any objecting Settlement Class Member may appear, in person or by counsel, at the Final Fairness Hearing to show cause why the proposed Settlement should not be approved as fair, adequate and reasonable, or to object to any application of attorneys' fees, Service Awards, and reimbursement of litigation costs and expenses, but only if the Settlement Class Member has first filed written objections to the proposed settlement by the deadline set forth in this Order. The objecting Settlement Class Member must file and serve on all counsel designated in the Notice, a notice of intention to appear at the Final Fairness Hearing ("Notice of Intention to Appear") by the Objection Deadline. The notice of intention to appear must include copies of all papers, exhibits, or other evidence that the objecting Settlement Class Members (or his/her counsel) will present to the Court in connection with the Final Fairness Hearing. Any Class Member who does not provide a notice of intention to appear by the deadline set forth in this Order, and who does not file an objection that complies with the requirements set forth in this Order and the class Notice, will be deemed to have waived any objections to the Settlement and will be barred from speaking or otherwise presenting views at the Final Fairness Hearing.

14. If a Settlement Class Member files an objection to the Settlement, Settlement Class Counsel or ACCC's Counsel may depose the objector consistent with the Massachusetts statutes at an agreed upon location and seek to have the objector produce documentary evidence or other tangible things relevant to the objection. An objector's failure to make him or herself available for deposition or to comply with expedited discovery requests may result in the Court striking the objector's objection or otherwise affecting that person's substantive rights. The Court reserves the

right to tax the costs of such discovery to the objector or the objector's counsel should it determine that the objection was frivolous and was made for improper purposes.

15. **Termination**: If the Settlement is terminated, not approved, canceled, fails to become effective for any reason, or the Effective Date does not occur, this order shall become null and void and shall be without prejudice to the rights of Plaintiffs, the Settlement Class Members, and ACCC, all of whom shall be restored to their respective positions in the Action as provided in the Agreement.

16. **Stay**: All pretrial proceedings in this Action are stayed and suspended until further order of this Court, except such actions as may be necessary to implement the Settlement and this Preliminary Approval Order.

17. Upon the entry of this order, with the exception of Settlement Class Counsel, ACCC's Counsel, ACCC, and the Settlement Class Representatives implementation of the Settlement and the approval process in this Action, all members of the Settlement Class shall be provisionally enjoined and barred from asserting any claims or continuing any litigation against ACCC and the Released Parties arising out of, relating to, or in connection with the Released Claims prior to the Court's decision as to whether to grant Final Approval of the Settlement.

18. **Jurisdiction**: For the benefit of the Settlement Class and to protect this Court's jurisdiction, this Court retains continuing jurisdiction over the Settlement proceedings to ensure the effectuation thereof in accordance with the Settlement preliminarily approved herein and the related orders of this Court.

19. **Final Fairness Hearing**: A hearing on final approval of the Settlement Agreement, an award of fees and expenses to Settlement Class Counsel, and a Service Award to the Settlement Class Representatives (the "Final Fairness Hearing") shall be held on the ____ day of

_____, 2026 at ____:____.M. EST before the undersigned in Courtroom _____ of the 200 TradeCenter Dr., Woburn, MA 01801. At the Final Fairness Hearing, the Court will consider (a) whether the Settlement should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting approval of the Settlement and dismissing the lawsuit with prejudice should be entered; and (c) whether Settlement Class Counsel's application for attorneys' fees and expenses and Service Award for the Settlement Class Representatives should be granted.

20. **Application for Attorneys' Fees and Expenses**: Settlement Class Counsel shall file an application for attorneys' fees and costs and Service Award to the Settlement Class Representatives 14 days before the Objection Deadline.

21. **Final Approval**: Counsel for the respective parties shall file memoranda, declarations, and other statements and materials in support of the request for final approval of the parties' Settlement Agreement no later than 14 days before the Final Approval Hearing.

22. The procedures and requirements for filing objections in connection with the Final Fairness Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any Settlement Class Member's objection to the Settlement Agreement so as to protect the due process rights of all Settlement Class Members.

23. No later than five (5) days before the Final Approval Hearing, the Parties shall have the option to file any reply in support of the final approval of the Settlement Agreement and Settlement Class Counsel shall have the option to file any reply in support of the application for attorneys' fees and costs, if necessary.

24. The Court reserves the right to adjust the date of the Final Fairness Hearing and related deadlines. If dates are altered, the revised hearing date and deadlines shall be posted on the

settlement website referenced in the class Notice. The parties will not be required to re-send or re-publish class notice.

25. **Schedule:** The Court hereby sets the following schedule of events:

Event	Date
Defendant to Provide Class Member Information to Claims Administrator	14 days after the Preliminary Approval Order
Notice Date	45 days after the Preliminary Approval Order
Deadline to File Motion for Attorneys' Fees, Costs, and Service Award	14 days before the Opt-Out Deadline/Objection Deadline
Objection Deadline	60 days after the Notice Date
Deadline to Respond to Objections	14 days before Final Approval Hearing
Deadline to Submit Claim Forms	90 days after the Notice Date
Deadline to File Motion for Final Approval	14 days before Final Approval Hearing
Final Approval Hearing	<u>October 8</u>, 2026 at <u>2:00</u> a.m./p.m. ET <i>*To be scheduled by the Court at least 120 days after the Order Granting Preliminary Approval is entered.</i>

SO ORDERED this 6th day of May, 2026.

