

IN THE CIRCUIT COURT OF LINCOLN COUNTY, ARKANSAS
CIVIL DIVISION

**LATANYA FRAZIER and
CHANTA RINGO, *individually and on
behalf of all others similarly situated,***

Plaintiffs,

v.

**BAPTIST HEALTH d/b/a
BAPTIST HEALTH MEDICAL
CENTER – DREW COUNTY,**

Defendant.

Case No.: 40CV-25-62

**ORDER PRELIMINARILY APPROVING CLASS SETTLEMENT
AND CERTIFYING CLASS FOR SETTLEMENT PURPOSES ONLY**

Before the Court is Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, the terms of which are set forth in a Settlement Agreement with accompanying exhibits, attached as Exhibit A to Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (the "Settlement Agreement").¹

Upon considering the Motion for Preliminary Approval and exhibits thereto, the Settlement Agreement, the record in these proceedings, the representations and recommendations of Class Counsel, and the requirements of law, the Court finds: (1) the Parties have provided the Court with information sufficient to enable it to determine that Notice should be given to the Settlement Class; (2) the proposed Settlement Class meets the requirements of Arkansas Rule of Civil Procedure 23 for settlement and should be certified for settlement purposes only; (3) the persons and entities identified below have adequately represented the proposed Settlement Class and should be appointed as Class Representatives and Class Counsel; (4) the Settlement is the

¹ All capitalized terms used herein shall have the same meanings as those defined in Section II of the Settlement Agreement filed in this Action.

result of informed, good-faith, arm's-length negotiations between the Parties and their capable and experienced counsel and is not the result of collusion; (5) the Settlement is within the range of reasonableness and should be preliminarily approved; (6) the proposed Notice Program and proposed forms of Notice satisfy Arkansas law and Due Process requirements, and are reasonably calculated to apprise the Settlement Class of the pendency of the Action, class certification, the terms of the Settlement, the Application for Attorneys' Fees, Costs and Service Awards, their rights to opt-out of the Settlement or object to the Settlement Agreement, Class Counsel's Application for Approval of Attorneys' Fees and Costs and Service Awards; (7) the Notice Program set forth in the Settlement Agreement should be preliminarily approved; (8) good cause exists to schedule and conduct a Final Approval Hearing to assist the Court in determining whether to grant Final Approval of the Settlement and enter the Final Approval Order and Final Judgment, and whether to grant Class Counsel's Application for Approval of Attorneys' Fees, Costs, and Service Awards; and (9) the other related matters pertinent to the Preliminary Approval of the Settlement should also be approved.

Based on the foregoing, **IT IS HEREBY ORDERED AND ADJUDGED** as follows:

Provisional Certification and Appointment of Class Representatives and Class Counsel

1. The Court finds, for settlement purposes only, that the factors set forth in Arkansas Rule of Civil Procedure 23 are present and that certification of the proposed Settlement Class for settlement purposes only is appropriate. The Court therefore provisionally certifies the following Settlement Class for settlement purposes only:

All individuals whose Private Information was potentially impacted in the Data Incident including all those who received notice of the Data Incident.

Excluded from the Settlement Class are (a) Defendant and Defendant's affiliates, parents, subsidiaries, directors, officers, and agents, or its respective subsidiaries and affiliated companies;

(b) governmental entities; and (c) the Judge(s) assigned to the Action and their immediate family, and Court staff.

2. The Court preliminarily finds that the Settlement Class satisfies the requirements of Arkansas Rule of Civil Procedure 23(a) for settlement purposes only: the Settlement Class is comprised of approximately 6,886 individuals; there are questions of law or fact common to the Settlement Class; the Class Representative's claims are typical of those of Settlement Class Members; and the Class Representative will fairly and adequately protect the interests of the Settlement Class.

3. The Court hereby appoints Latanya Frazier and Chanta Ringo as the Class Representatives of the Settlement Class. The Court provisionally finds that the Class Representatives are similarly situated to absent Settlement Class Members and therefore typical of the Settlement Class and that they will be adequate Class Representatives.

4. The Court hereby preliminarily appoints Sean Short and Samuel Brown of Ellzey Kherkher Sanford Montgomery, LLP as Class Counsel.

Preliminary Approval of the Settlement

5. The Court preliminarily approves the proposed Settlement because it is fair, reasonable, and in the best interest of the Settlement Class. Under Arkansas Rule of Civil Procedure 23(e), class claims may be settled only with court approval. At the preliminary approval stage, the Court's task is merely to determine whether the proposed Settlement is within the range of possible approval.

6. The Court preliminarily approves the Settlement as fair, reasonable and in the best interest of the Settlement Class. The Court finds that it has information sufficient to determine that Notice should be given to the Settlement Class. The information provided indicates that the Class

Representatives and Class Counsel have adequately represented the Settlement Class, and that the Settlement reached is the product of informed, good-faith, arm's-length negotiations between the Parties and their capable and experienced counsel. The Court further preliminarily finds that the Settlement is within the range of reasonableness and possible judicial approval, such that: (a) a presumption of fairness is appropriate for the purposes of Preliminary Approval; and (b) it is appropriate to effectuate Notice to the Settlement Class, as set forth below and in the Settlement Agreement, and schedule a Final Approval Hearing to assist the Court in determining whether to grant Final Approval of the Settlement and enter a Final Approval Order and Final Judgment.

7. Subject to Final Approval of the proposed Settlement, and subject to the provision of the Notice required by this Preliminary Approval Order, the Court approves the provisions of the Agreement making the Settlement and its Releases binding on all Settlement Class Members, whether or not they receive actual notice of the Action or the Settlement so long as the Notice Program is effectuated pursuant to the terms of the Agreement.

Approval of Notice, Notice Program, Claim Form, and Direction to Effectuate Notice

8. The Court approves the form and content of the Notice to be provided to the Settlement Class, substantially in the forms attached to the Settlement Agreement as *Exhibits 1–2*. Class Counsel and Defendant's Counsel may make immaterial necessary changes to the forms without seeking approval of the Court. The Court further finds the Notice Program is the best practicable under the circumstances and is reasonably calculated to apprise the Settlement Class members of the pendency of the Action, class certification, the terms of the Settlement, their rights to opt-out of the Settlement or object to the Settlement, and the Application for Approval of Attorneys' Fees, Costs, and Service Awards. The Notice Program will provide sufficient notice to all persons entitled to notice. The Notice Program satisfies all applicable requirements of law,

including, but not limited to, Arkansas Rule of Civil Procedure Rule 23(c) and the constitutional requirement of Due Process.

9. The Court further approves the Notice Program and Claim Form, attached to the Agreement as *Exhibit 3*.

10. The Court approves the appointment of Simpluris, Inc. as the Settlement Administrator. Simpluris shall have the responsibility for the Notice Program and administration of the Settlement, as set forth in the Settlement Agreement. The Settlement Administrator is directed to perform all tasks the Settlement Agreement requires. The reasonable costs of the settlement administration will be paid pursuant to the terms of the Settlement Agreement.

11. The Settlement Administrator shall implement the Notice Program as set forth in the Agreement, including using the forms of Postcard Notice and Long Form Notice, which are approved by this Preliminary Approval Order.

Requests for Exclusion and Objections

12. Any Settlement Class Member who wishes to be excluded from the Settlement Class must submit an opt-out in the form of a written request for exclusion to the Settlement Administrator no later than 30 days after the Notice Date. Such opt-out must meet the Opt-Out Deadline established by this Preliminary Approval Order, as set forth in the Postcard Notice and Settlement Agreement.

13. To object to the Settlement, Settlement Class Members must submit an objection no later than 30 days after the Notice Date. The Court preliminarily approves the objection process as set forth in the Settlement Agreement and as detailed in the Long Form Notice. Any Settlement Class Member who fails to comply with the provisions in the Settlement Agreement and Long Form Notice, as approved by this Preliminary Approval Order will waive and forfeit any and all

rights they may have to object, will have their objection stricken from the record, and will lose their rights to appeal from approval of the Settlement. Any such Settlement Class Member also shall be bound by all subsequent proceedings, orders, and judgments in this Action, including, but not limited to, the release set forth in the Final Order and Judgment, if entered.

Final Approval Hearing, Opt-Outs, Objections, and Claims Process

14. A Final Approval Hearing shall be held before the Court on February 4, 2027, at 10:00 a.m. via a telephonic conference or videoconference call, to determine, among other things: (a) whether the Settlement should be granted Final Approval as fair, reasonable, and in the best interest of the Settlement Class; (b) whether Settlement Class Members should be bound by the Releases set forth in the Agreement; (c) whether the Settlement Class should be finally certified; (d) the amount of the Service Awards for Plaintiffs, if any; and (e) the amount of attorneys' fees and costs to be awarded to Class Counsel, if any. The Court reserves the right to adjourn or continue the Final Approval Hearing and related deadlines without further written notice to the Settlement Class. If the Court alters any of those dates or times, the revised dates and times shall be posted on the Settlement Website maintained by the Settlement Administrator. The Court may approve the settlement, with such modifications as may be agreed upon by the Parties, if appropriate, without further notice to the Settlement Class.

Motion for Final Approval

15. Plaintiffs shall file their Motion for Final Approval, along with a proposed Final Approval Order and Final Judgment as an attachment, no later than 14 days prior to the date set for the Final Approval Hearing.

Use of Order

16. This Order shall be of no force or effect if the Final Order and Judgment is not entered or there is no Effective Date and shall not be construed or used as an admission,

concession, or declaration by or against Defendant of any fault, wrongdoing, breach, or liability. Nor shall this Order be construed or used as an admission, concession, or declaration by or against the Class Representatives or any other Settlement Class Member that his or her claims lack merit or that the relief requested is inappropriate, improper, unavailable, or as a waiver by any party of any defense or claims they may have in this Action or in any other lawsuit.

Stay/Bar of Other Proceedings

17. All proceedings in the Action are hereby stayed until further order of the Court, except as may be necessary to implement the terms of the Settlement. Pending final determination of whether the Settlement should be granted Final Approval, Plaintiffs, all Settlement Class members, and persons purporting to act on their behalf, are enjoined from commencing or prosecuting (either directly, representatively or in any other capacity) against any of the Released Parties any action or proceeding in any court, arbitration forum or tribunal asserting any of the Released Claims.

18. Based on the foregoing, the Court sets the following schedule:

Settlement Class List to Settlement Administrator	Within 14 days after Preliminary Approval Order
Notice Date	30 days after Preliminary Approval Order
Deadline to file Motion for Final Approval	14 days before Final Approval Hearing
Deadline to File Motion for Attorneys' Fees, Costs, and Service Awards	14 days prior to the opt-out/objection deadline
Deadline to Opt-Out of the Settlement	30 days after the Notice Date
Deadline to Object to Settlement	30 days after the Notice Date
Final Approval Hearing	February 4, 2027 @ 10:00 a.m.

ORDERED, this ____ day of _____, 2026

Honorable



Case Title: FRAZIER & RINGO V BAPTIST HEALTH
Case Number: 40CV-25-62
Type: ORDER OTHER

So Ordered

A handwritten signature in black ink that reads "Robert H. Wyatt Jr." with a long, sweeping flourish extending to the right.

Judge Robert H. Wyatt Jr