

B.D.

FILED
Clerk of the Superior Court

SEP 19 2025

By: B. Delgado, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

G.W., and AMERICA HERNANDEZ, both
individually and as guardian *ad litem* for minors
I.H. and J.H., on behalf of themselves and all
others similarly situated and for the benefit of the
general public,

Plaintiffs,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT and
DOES 1 through 25, inclusive,

Defendants.

Case No. 37-2023-00035972-CU-CTL

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Preliminary Approval Hearing:

Date: September 12, 2025

Time: 9:30 a.m.

Dept: C-72

1 Before this Court is Plaintiffs G.W. and America Hernandez, as guardian *ad litem* for minors I.H.
2 and J.H.'s (collectively, "Plaintiffs") Unopposed Motion for Preliminary Approval of Class Action
3 Settlement ("Motion"). The Court has reviewed the Motion and Settlement Agreement between
4 Representative Plaintiffs and Defendant San Diego Unified School District ("SDUSD"). After reviewing
5 Representative Plaintiffs' unopposed request for preliminary approval, this Court grants the Motion and
6 preliminarily concludes that the proposed Settlement is fair, reasonable and adequate.

7 **IT IS HEREBY ORDERED THAT:**

8 1. The Settlement Agreement,¹ including the proposed notice plan and forms of notice to the
9 Settlement Class, the appointment of Plaintiffs G.W., and America Hernandez, as guardian *ad litem* for
10 minors I.H. and J.H. as the Representative Plaintiffs, the appointment of Class Counsel for Representative
11 Plaintiffs and the Settlement Class, the approval of Simpluris, Inc. ("Simpluris") as the Claims
12 Administrator, the certification of a Settlement Class for settlement purposes only, the various forms of
13 class relief provided under the terms of the settlement and the proposed method of distribution of
14 settlement benefits, are fair, reasonable, and adequate, subject to further consideration at the Fairness
15 Hearing described below.

16 2. Based on information provided the Court makes the following findings for purposes of
17 settlement only: (a) the members of the Settlement Class are ascertainable and consists of approximately
18 45,307 Settlement Class Members, thereby satisfying the numerosity element; (b) there are questions of
19 law and fact, including whether the proposed settlement of the claims arising the facts alleged in the
20 operative complaint is reasonable, that are common to members of the Settlement Class and that
21 predominate over questions affecting only individual members, thereby satisfying the commonality
22 element for settlement purposes; (c) the proposed Representative Plaintiffs' claims are typical in that they
23 are members of the Settlement Class and allege they have been damaged by the same conduct as the other
24 members of the Settlement Class, thereby satisfying the typicality element for settlement purposes; (d)
25 the proposed Representative Plaintiffs and Class Counsel are adequate as it appears for settlement
26 purposes that they will fairly and adequately protect the interests of the Settlement Class, thereby
27 satisfying the adequacy element for settlement purposes; and (e) certification of the Settlement Class for

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¹ All capitalized terms used in this Order shall have the same meanings as set forth in the Settlement Agreement.

1 settlement purposes is superior to other available methods for the fair and efficient groupwide
2 adjudication and resolution of this Litigation and will provide substantial benefits to the Representative
3 Plaintiffs and all members of the Settlement Class, thereby satisfying the superiority and substantial
4 benefit elements for settlement purposes.

5 3. Based on the above findings, the Court hereby preliminarily and conditionally approves
6 and certifies, for settlement purposes only, the following Settlement Class:

7 All California residents to whom SDUSD mailed notification that their
8 personal information may have been compromised by unauthorized third
9 parties as a result of the data security incident discovered by SDUSD on or
10 about October 25, 2022.

11 4. The Court appoints Plaintiffs G.W., and America Hernandez, as guardian *ad litem* for
12 minors I.H. and J.H., as the Representative Plaintiffs.

13 5. The Court appoints Alan M. Mansfield of Whatley Kallas LLP; April M. Strauss of April
14 M. Strauss, APC; William J. Doyle and Chris C. Cantrell of Doyle APC; Christopher J. Hamner of
15 Hamner Law Offices, APLC; and Marc J. Levine and Jerid R. Maybaum of Levine & Maybaum LLP as
16 Counsel for the Class.

17 6. The Court appoints Simpluris as the Claims Administrator.

18 7. A Final Fairness Hearing shall be held before the Court on February 6, 2026, at 9:30 a.m.
19 for the following purposes:

- 20 (i) To finally determine whether the proposed settlement benefits are fair, reasonable,
21 and adequate to the Settlement Class;
- 22 (ii) To finally determine whether the claims process under the settlement is fair,
23 reasonable, and adequate and should be approved by the Court and whether to
24 issue an Order granting final approval of the settlement;
- 25 (iii) To determine whether the requested Representative Plaintiffs' Service Award of
26 up to \$10,000.00, to be apportioned by the Court as appropriate, is reasonable and
27 should be approved by the Court;
- 28 (iv) To determine whether the separate application for payment of attorneys' fees and
reimbursement of expenses to Class Counsel, which will be set for hearing at the
same time as the Final Fairness Hearing, are reasonable and should be approved

1 by the Court; and

2 (v) To rule upon such other matters as the Court may deem appropriate.

3 8. The Court approves, as to the form and content, the Notices attached as Exhibits A-C to
4 the Settlement Agreement, as revised pursuant to the Court’s Tentative Ruling dated September 11, 2025,
5 and the proposed notice plan set forth in Section 7 of the Settlement Agreement. The Court also approves
6 the implementation of the Settlement Website and the proposed methods of mailing or distributing the
7 notices substantially in the form of Exhibits A through C to the Settlement Agreement and as described
8 in the Motion for Preliminary Approval, and finds that such Notice Plan meets the requirements of due
9 process, is the best Notice practicable under the circumstances, and shall constitute due and efficient
10 Notice to all persons or entities entitled to Notice.

11 9. The Court preliminarily approves the following settlement timeline for the purposes of
12 completing the Notice Plan, Claims Administration, claims processing, and implementation of the
13 proposed settlement:

14 **SETTLEMENT TIMELINE**

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<u>From Date of Order Granting Preliminary Approval of Settlement</u>	
Defendant provides list of Class Members to the Claims Administrator	September 25, 2025
Long and Short Notices Posted on Settlement Website	October 15, 2025
Completion of Notice Deadline (“Notice Deadline”)	October 15, 2025
Deadline to File Class Counsel’s Motion for Final Approval of Settlement and separate Application for Payment of Attorneys’ Fees, Reimbursement of Litigation Expenses, and Class Representative Service Awards	December 1, 2025
Objection Deadline	December 15, 2025
Exclusion Deadline	December 15, 2025
Claims Administrator to Provide List of Objections/Exclusions to Parties’ counsel	December 22, 2025
Reminder Notice	December 30, 2025
Claims Deadline	January 13, 2026
Response to Any Objections	January 30, 2026

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<u>From Date of Order Granting Preliminary Approval of Settlement</u>	
Deadline to oppose any motion for payment of attorneys' fees and reimbursement of litigation expenses	January 16, 2026
Deadline to respond to any opposition to motion for payment of attorneys' fees and reimbursement of litigation expenses	January 30, 2026
Final Approval Hearing	February 6, 2026 at 9:30 a.m.

10. In order to be considered a timely claim under the settlement, a Claim Form must either be postmarked or received by the Claims Administrator no later than ninety (90) days after the Notice Deadline. Class Counsel and the Claims Administrator will ensure that all specific dates and deadlines are added to the Notice and posted on the Settlement Website after this Court issues this Order.

11. All requests to Opt-Out or object to the proposed settlement must be received by the Claims Administrator no later than sixty (60) days after the Notice Deadline. Any request to Opt-Out of the Settlement should, to the extent possible, contain words or phrases such as "opt-out," "opt out," "exclusion," or words or phrases to that effect indicating an intent not to participate in the settlement or be bound by this Settlement Agreement to the Claims Administrator. Opt-Out notices shall not be rejected simply because they were inadvertently sent to the Court or Class Counsel so long as they are timely postmarked or received by the Court, to the Claims Administrator or Class Counsel.

12. Settlement Class Members may submit an objection to the proposed Settlement Agreement. For an Objection to be valid, it must be filed with the Court within sixty (60) days of the Notice Deadline and include all of the following:

- (i) his/her full name, address and current telephone number;
- (ii) the name and number of this case;
- (iii) all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials;
- (iv) the identification of any other objections he/she has filed, or has had filed on his/or behalf, in any other class action cases in the last four years;
- (v) the objector's signature; and

1 (vi) if represented by counsel, the objecting Settlement Class Member must also provide the
2 name and telephone number of his/her counsel.

3 If the objecting Settlement Class Member intends to appear at the Final Fairness Hearing, either
4 with or without counsel, he/she/they must state as such in the written objection, and must also identify
5 any witnesses he/she/they may call to testify at the Final Fairness Hearing and all exhibits he/she/they
6 intends to introduce into evidence at the Final Fairness Hearing, which must also be attached to, or
7 included with, the written objection.

8 Any Objection failing to include the requirements expressed above will be deemed to be invalid
9 absent further order of the Court. Any Settlement Class Member objecting to the Settlement agrees to
10 submit to any discovery related to the Objection.

11 13. All Settlement Class Members shall be bound by all determinations and judgments in this
12 Litigation concerning the Settlement Agreement, including, but not limited to, the releases provided for
13 in the Settlement Agreement, whether favorable or unfavorable, except those who timely and validly
14 request exclusion from the Settlement Class. The persons and entities who timely and validly request
15 exclusion from the Settlement Class will be excluded from the Settlement Class and shall receive no
16 benefits under the Settlement Agreement shall not have rights to seek benefits under the Settlement
17 Agreement, shall not be entitled to submit Claim Forms, and shall not be bound by the Settlement
18 Agreement or any Final Approval Order as to SDUSD in this Litigation.

19 14. Pending final determination of whether the Settlement Agreement should be approved,
20 members of the Settlement Class are enjoined from commencing or prosecuting any claims asserting any
21 of the Released Claims against SDUSD.

22 15. The Court reserves the right to adjourn the date of the Final Fairness Hearing or the
23 hearing on the motion for payment of attorneys' fees and reimbursement of litigation expenses without
24 further notice to Settlement Class Members and retains jurisdiction to consider all further requests or
25 matters arising out of or connected with the proposed Settlement Agreement. The Court may approve
26 the Settlement Agreement, with such modification as may be agreed to by the Parties or as ordered by
27 the Court, without further notice to the Settlement Class.

28 **IT IS SO ORDERED.**

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Dated: SEPT. 19, 2025


HON. MARCELLA O. MCLAUGHLIN