

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
Case Type: Civil Other/Misc.

In re: Regents of the University of Minnesota Data
Litigation

Court File No.: 27-CV-23-14056

**ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT,
APPROVAL OF CLASS NOTICE PLAN
AND PROVISIONAL CERTIFICATION
OF THE SETTLEMENT CLASS**

The above-entitled matter came duly before the Honorable Christian Sande, Judge of the above-named court, on August 8, 2025, at the Hennepin County Government Center, Minneapolis, Minnesota.

Based upon all the files, records, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. The Court finds that the proposed Settlement Class meets the prerequisites of Minn. R. Civ. P. 23.01 and 23.02. The Court has considered the four requirements of Rule 23.01 and finds:

- a. The proposed Settlement Class satisfies numerosity in that it is estimated to be approximately 4.2 million individuals;
- b. There are sufficient common issues of law or fact to satisfy Rule 23.01(b), including:
 - i. Whether Defendant unlawfully maintained, lost, or disclosed Plaintiffs' and Class Members' PII and PHI;

- ii. Whether Defendant failed to implement and maintain appropriate data-security safeguards and procedures appropriate to the nature and scope of the information compromised in the Data Incident;
- iii. Whether Defendant's data security systems prior to and during the Data Incident complied with applicable data-security laws and regulations;
- iv. Whether Defendant's data-security systems prior to and during the Data Incident were consistent with industry standards;
- v. Whether Defendant owed a duty to Plaintiffs and Class Members to safeguard their PII and PHI;
- vi. Whether Defendant breached its duty to Plaintiffs and Class Members to safeguard their PII and PHI;
- vii. Whether Defendant knew or should have known that its data security systems and monitoring processes were deficient;
- viii. Whether Defendant should have discovered the Data Incident sooner;
- ix. Whether Defendant should have stored all of Plaintiffs' and Class Members' data because it was not necessary to Defendant's authorized programs;
- x. Whether Defendant complied with its own data retention policies;
- xi. Whether Defendant disseminated, or allowed the dissemination of, Plaintiffs' and Class Members' private or confidential data to unauthorized individuals or entities;
- xii. Whether Defendant disclosed the Data Incident to Plaintiffs and Class Members in compliance with statute.

- xiii. Whether Plaintiffs and Class Members suffered legally cognizable damages as a result of Defendant's misconduct;
 - xiv. Whether Defendant violated the statutes alleged herein;
 - xv. Whether Plaintiffs and Class Members are entitled to damages, civil penalties, treble damages, and/or injunctive relief; and
 - xvi. Whether Plaintiffs and Class Members are entitled to recover reasonable attorney fees as provided under the statutes pleaded herein.
- c. Under Minn. R. Civ. P. 23.01(c), typicality exists here because Plaintiffs' claims emanate from the same event or are based on the same legal theories as those of the Class.
 - d. Finally, Rule 23.01(d) requires the proposed Class Representatives to fairly and adequately represent and protect the interests of the Settlement Class. Here, it is clear that interests of the Settlement Class Members will competently and vigorously be represented by the proposed Class Representatives and Class Counsel. The proposed Class Representatives have brought this case, defeated a motion to dismiss and procured a Settlement for the Class that will provide a cash component as well as dark web monitoring. As such, the Court finds that the adequacy requirement is met. Additionally, Class Counsel are all experienced qualified counsel who have litigated numerous complex class actions, including data breach claims. As such, they too are found to be adequate under Rule 23.01(d).
 - e. The Court finds that questions of law and fact are common and predominate over any individual issues presented in this case. Any liability that would be found as a result of the University's alleged actions or inactions would apply equally to all

Settlement Class Members. Additionally, the Court finds that a Settlement Class is a superior method of proceeding in this case in that (1) the claims of the individual class members are too small to warrant individual lawsuits; (2) the burden and cost of prosecuting individual actions in this case would render it virtually impossible for individual class members to obtain relief without certification of the Settlement Class; (3) certification of this Settlement Class obviates the need to consider management issues caused by any alleged individualized determinations of damages; (4) the Class Settlement creates a comprehensive structure by which the Settlement is managed and organized. As such, the Court finds that the requirements of Minn. R. Civ. P. 23.02(c) are also satisfied.

2. Based on these findings, the Court provisionally certifies the following Settlement Class:

“all individuals whose Personal Information was maintained in or accessible via the University of Minnesota’s Legacy Data Warehouse as of August 10, 2021. Excluded from the Settlement Class are (i) any judge or magistrate judge presiding over this Action, members of their staff, and members of their immediate families; (ii) the Regents of the University of Minnesota; (iii) persons who properly execute and file a timely request for exclusion from the Settlement Class; (iv) persons whose claims in this matter have been formally adjudicated on the merits or otherwise released; (v) counsel or legal representatives for Regents of the University of Minnesota in this Action; and (vi) the successors, and assigns of any such excluded persons.”

3. The Court appoints Plaintiffs Alex Carney, Yessenia Gomez, Yasmine Linzy, Jasmyn Martin, Stephanie Nygard, Joseph Rogers, and Nili Waypa as Class Representatives for the Settlement Class;

4. The Court finds that the proposed Class Counsel has the experience and qualifications necessary to represent this Settlement Class and appoints Daniel Gustafson of Gustafson Gluek PLLC; Mark DeSanto of Berger Montague; Bryan C. Bleichner of Chestnut Cambronne; Anne T. Regan and Nathan D. Prosser of Hellmuth & Johnson PLLP; Kate Baxter-Kauf of Lockridge Grindal Nauen; William G. Caldes of Spector Roseman & Kodroff; Garrett Blanchfield of Reinhardt Weindorf & Blanchfield; and Brian C. Gudmundson of Zimmerman Reed, as Class Counsel for the Settlement Class;

5. The Court finds that, after considering various factors, including the arm's length negotiations, the investigation and discovery done by counsel, the experience of counsel, the reasonableness of the settlement in light of all the attendant risks, the expense, likely duration and complexity of the litigation, and the opinion of class counsel, the proposed settlement falls within the range of fair, adequate, and reasonable and as such within the range of possible final approval; therefore the Court GRANTS Preliminary Approval of the Settlement;

6. The Court appoints Kroll Settlement Administration LLC as Settlement Administrator for the Settlement Class and directs that it undertakes its obligations as set forth in the Settlement Agreement, including:

- a. Completing the Court-approved Notice Program by noticing the Settlement Class by, where email addresses are provided by the University, sending the Email Notice as described below, sending out Long Form Notices and paper Claim Forms on request from Settlement Class members, reviewing Claim Forms, notifying

Claimants of deficient Claim Forms using the Notice of Deficiency, and sending Settlement Class Cash Payments to Settlement Class Members who submit a Valid Claim;

- b. Establishing and maintaining the Settlement Fund the Escrow Account approved by the Parties;
- c. Establishing and maintaining a post office box to receive opt-out requests from Settlement Class Members, objections from Settlement Class Members, and Claim Forms;
- d. Establishing and maintaining the Settlement Website to provide important information and to receive electronic Claim Forms;
- e. Establishing and maintaining an automated toll-free telephone line for Settlement Class members to call with Settlement-related inquiries, and to answer the frequently asked questions of Settlement Class Members who call with or otherwise communicate such inquiries;
- f. Responding to any mailed Settlement Class Member inquiries;
- g. Processing all opt-out requests from the Settlement Class;
- h. Providing weekly reports to Class Counsel and the University's Counsel that summarize the number of Claims submitted, Claims approved and rejected, Notice of Deficiency sent, opt-out requests and objections received that week, the total number of opt-out requests and objections received to date, and other pertinent information;
- i. In advance of the Final Approval Hearing, preparing a declaration to submit to the Court confirming that the Notice Program was completed in accordance with the

terms of this Agreement and the Preliminary Approval Order, describing how the Notice Program was completed, indicating the number of Claim Forms received, providing the names of each Settlement Class Member who timely and properly requested to opt-out from the Settlement Class, indicating the number of objections received, and other information as may be necessary to allow the Parties to seek and obtain Final Approval;

- j. Distributing, out of the Settlement Fund, Cash Payments by electronic means;
- k. Paying Court-approved attorneys' fees and costs and Service Awards out of the Settlement Fund;
- l. Paying Settlement Administration Costs incurred post the Effective Date out of the Settlement Fund following approval by Class Counsel;
- m. Making all reporting and filings with respect to amounts payable to Settlement Class Members required pursuant to any applicable federal, state, or local tax law or regulation. The Settlement Administrator shall also be responsible for filing and sending Form 1099, if required, to any applicable recipient of money from the Settlement Fund;
- n. Maintaining reasonably detailed records of its activities under this Agreement. The Settlement Administrator shall maintain all such records as required by applicable law, including the Family Educational Rights and Privacy Act and the Minnesota Government Data Practices Act.
- o. Any other Settlement administration function at the instruction of Class Counsel and the University and approved by the Court, including, but not limited to,

verifying that the Settlement Fund has been properly administered and that the Cash Payments have been properly distributed.

7. The Court finds that the Notice Plan set out in the Settlement Agreement and Plaintiffs' supporting documentation is best notice practicable under the circumstances, pursuant to Rule 23.03(b)(2), and is therefore approved;

8. The Court directs that notice of the Settlement should be disseminated to the Settlement Class Members pursuant to that Notice Plan; and specifically orders:

- a. The University to make available to the Settlement Administrator the Class List no later than ten (10) business days after the date of this Order;
- b. On or before September 25, 2025, the Settlement Administrator shall commence the Notice Program provided herein, using the forms of Notice approved by the Court;
- c. No later than one (1) business day before Notice begins, the Settlement Administrator shall establish the Settlement Website. The Settlement Administrator shall ensure the Settlement Website makes available the Court-approved Claim Form that can be submitted directly on the Settlement Website or in printable version that can be sent by U.S. Mail to the Settlement Administrator.
- d. The Notice Program shall be completed no later than November 28, 2025;

9. The Court approves the form and content of the Email Notice, Long Form Notice, and Claim Form attached to the Settlement Agreement as Exhibits A, C and D;

10. The Court orders that a Settlement Class Member may opt-out of the Settlement Class at any time during the Opt-Out Period, as defined in the Settlement Agreement, by mailing a request to opt-out to the Settlement Administrator postmarked no later than December 29, 2025.

The opt-out request must be personally signed by the Settlement Class Member and contain the name of this proceeding (In re: Regents of the University of Minnesota Data Litigation or similar identifying words), the requestor's name, address, telephone number, and email address (if any), and include a statement indicating a request to be excluded from the Settlement Class. Any Settlement Class Member who does not timely and validly request to opt-out shall be bound by the terms of this Agreement even if that Settlement Class Member does not submit a Valid Claim.

11. The Court Orders that objections must be filed with the Court, and sent by U.S. Mail to Class Counsel, Defendant's Counsel, and the Settlement Administrator before December 29, 2025. For an objection to be considered by the Court, the relevant Settlement Class Member must submit the objection no later than the last day of the Objection Period, as specified in the Notice, and the relevant Settlement Class Member must not have excluded herself from the Settlement Class. If submitted by mail, an objection shall be deemed to have been submitted when posted if received with a postmark date indicated on the envelope if mailed first-class postage prepaid and addressed in accordance with the instructions. If submitted by private courier (e.g., Federal Express), an objection shall be deemed to have been submitted on the shipping date reflected on the shipping label.

12. For an objection to be considered by the Court, the objection must also set forth:
- a. the name of this proceeding (In re: Regents of the University of Minnesota Data Litigation or similar identifying words),
 - b. the objector's full name, mailing address, telephone number, and email address (if any);
 - c. all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;

- d. the number of times the objector has objected to a class action settlement within the 5 years preceding the date that the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders related to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each listed case;
- e. the identity of all counsel (if any) who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement and/or Application for Attorneys' Fees, Costs, and Service Awards;
- f. the number of times in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the five years preceding the date of the filed objection, the caption of each case in which counsel or the firm has made such objection and a copy of any orders related to or ruling upon counsel's or the counsel's law firm's prior objections that were issued by the trial and appellate courts in each listed case in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding five years;
- g. the identity of all counsel (if any) representing the objector, and whether they will appear at the Final Approval Hearing;
- h. a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- i. a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- j. the objector's signature (an attorney's signature is not sufficient).

13. Following entry of this Order, the University shall pay all subsequent amounts for Pre-Approval Settlement Administration Costs within 30 days of when such amounts are invoiced to the University along with wire instructions and other required documentation and become due and owing.

14. Within 30 days of the Effective Date as defined in the Settlement Agreement, the University shall deposit, or cause to be deposited, with the Settlement Administrator in an Escrow Account the Settlement Fund minus any Settlement Administration Costs previously paid by the University.

15. Plaintiffs' motion for Final Approval and for Payment of Attorneys' Fees, Service Awards, and Reimbursement of Costs shall be filed no later than December 15, 2025.

16. Any reply papers in response to any objections or in further support of the Plaintiffs' motions for Final Approval, for payment of Attorneys' Fees, Service Awards and Reimbursement of Costs shall be filed no later than January 13, 2026.

17. The Court will hold a Final Fairness hearing on January 28, 2026, at 9:00 a.m. to consider the entry of the Final Approval Order and Judgment approving the Settlement as well as to consider Plaintiffs' Motion for Attorneys' Fees and Costs.

BY THE COURT:

Dated: August 20, 2025



Sande, Christian

2025.08.20

Honorable Christian Sande
Judge of District Court

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