IN THE CIRCUIT COURT OF PEMISCOT COUNTY
STATE OF MISSOURI

JANE DOE and JANET DOE, Individually and on behalf of all others similarly situated, Plaintiffs, v. **MISSOURI DELTA MEDICAL CENTER**, Defendant.	§ § § § § § § § § § §	**CASE NO. 23PE-CC00038**

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Before the Court is Jane Doe's and Janet Doe's ("Plaintiffs") Unopposed Motion for Preliminary Approval of Class Action Settlement (the "Motion"), the terms of which are set forth in a Settlement Agreement between Plaintiffs and Missouri Delta Medical Center ("MDMC" or "Defendant", and, together with Plaintiffs, the "Parties"), with accompanying exhibits attached as **Exhibit 1** to Plaintiffs' Memorandum of Law in Support of their Motion (the "Settlement Agreement").[1]

Having fully considered the issue, the Court hereby **GRANTS** the Motion and **ORDERS** as follows:

1. **Class Certification for Settlement Purposes Only**. The Settlement

[1] All defined terms in this Order Granting Preliminary Approval of Class Action Settlement ("Preliminary Approval Order") have the same meaning as set forth in the Settlement Agreement, unless otherwise indicated.

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

Agreement provides for a Settlement Class defined as follows:

> All living Missouri patients of MDMC who logged into the Patient Portal between October 1, 2017, and December 31, 2022, who are included on the Settlement Class List. The class size is estimated to be 8,291.

Specifically excluded from the Settlement Class are:

> (i) any judge or magistrate presiding over this Action, Court personnel, and members of their immediate families; (ii) the Defendant, Defendant's subsidiaries, affiliates, parents, successors, predecessors, and any entity in which the Defendant or its parent has a controlling interest and their current or former employees, officers, and directors; and (iii) Settlement Class Counsel, including any other attorneys representing Plaintiffs in this Action, counsel and MDMC's Counsel.

Pursuant to Missouri Rule of Civil Procedure 52.08(e), the Court finds that giving notice is justified. The Court finds that it will likely be able to approve the proposed Settlement as fair, reasonable, and adequate. The Court also finds that it will likely be able to certify the Settlement Class for purposes of judgment on the Settlement because it meets all of the requirements of Rule 52.08(a) and the requirements of Rule 52.08(b)(3). Specifically, the Court finds for settlement purposes that: (a) the Settlement Class is so numerous that joinder of all Settlement Class Members would be impracticable; (b) there are issues of law and fact that are common to the Settlement Class; (c) the claims of the Class Representatives are typical of and arise from the same operative facts and the Class Representatives seek similar relief as the claims of the Settlement Class Members; (d) the Class Representatives will fairly and adequately protect the interests of the Settlement Class as the Class Representatives have no interests antagonistic to or in conflict with the Settlement Class and has retained experienced and competent counsel to prosecute this

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

Litigation on behalf of the Settlement Class; (e) questions of law or fact common to Settlement Class Members predominate over any questions affecting only individual members; and (f) a class action and class settlement is superior to other methods available for a fair and efficient resolution of this Litigation.

2. **Settlement Class Representatives and Settlement Class Counsel**. The Court finds that Plaintiffs Jane Doe and Janet Doe will likely satisfy the requirements of Rule 52.08(a)(4) and should be appointed as the Class Representatives. Additionally, the Court finds that Foster Johnson, Lynn Toops, and J. Gerard Stranch, IV should be appointed as Settlement Class Counsel.

3. **Preliminary Settlement Approval**. Upon preliminary review, the Court finds the Settlement is fair, reasonable, and adequate to warrant providing notice of the Settlement to the Settlement Class and accordingly is preliminarily approved. In making this determination, the Court has considered the monetary and non-monetary benefits provided to the Settlement Class through the Settlement, the good faith, arms' length negotiations between the Parties and absence of any fraud or collusion in the Settlement, the complexity, expense, and likely duration of the litigation, the stage of the proceedings and the amount of discovery completed, the probability of the Plaintiffs' success on the merits, the range of possible recovery, the opinions of class counsel and class representatives, the specific risks faced by the Settlement Class in prevailing on their claims, effectiveness of the proposed method for distributing relief to the Settlement Class, the proposed manner of allocating benefits to Settlement Class Members, that the Settlement treats the Settlement Class Members equitably, and all of the other factors

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

required by Rule 52.08 and relevant case law.

4. **Jurisdiction**. The Court has subject matter jurisdiction and personal jurisdiction over the parties before it. *See Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 811-12 (1985). Additionally, venue is proper in this county because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this county.

5. **Final Approval Hearing**. A Final Approval Hearing shall be held on January 4, 2027 at 9 a.m. at the Pemiscot County Courthouse, 610 Ward Ave, Caruthersville, MO 63830, where the Court will determine, among other things, whether: (a) this Litigation should be finally certified as a class action for settlement purposes pursuant to Missouri Rule of Civil Procedure 52.08(a) and (b)(3); (b) the Settlement should be approved as fair, reasonable, and adequate, and finally approved pursuant to Missouri Rule of Civil Procedure 52.08(e); (c) this Litigation should be dismissed with prejudice pursuant to the terms of the Settlement Agreement; (d) Settlement Class Members (who have not timely and validly excluded themselves from the Settlement) should be bound by the releases set forth in the Settlement Agreement; (e) the application of Settlement Class Counsel for an award of Attorneys' Fees, Costs, and Expenses should be approved pursuant to Missouri Rule of Civil Procedure 52.08 (d)(5); and (f) the application of the Class Representatives for Service Award Payments should be approved.

6. **Claims Administrator**. The Court appoints Atticus Administration as the Claims Administrator, with responsibility for Settlement Class Notice and claims administration. The Claims Administrator is directed to perform all tasks the Settlement

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

Agreement requires. The Notice and Administration Expenses will be paid pursuant to the terms of the Settlement Agreement.

7. **Notice**. The proposed notice program set forth in the Settlement Agreement and the Notices and Claim Form attached to the Settlement Agreement as **Exhibits A-C** are hereby approved. Non-material modifications to these Exhibits may be made by the Claims Administrator in consultation and agreement with the Parties, and without further order of the Court.

8. **Findings Concerning Notice**. The Court finds that the proposed form, content, and method of giving Notice to the Settlement Class as described in the Notice program and the Settlement Agreement and its exhibits constitute the best practicable notice under the circumstances, including individual notice to all members who can be identified through reasonable effort, as directed by the Court. *See* Mo. R. of Civ. P. 52.08(c)(2), (e). Pursuant to Missouri Rule of Civil Procedure 52.08(c)(2), the Notice describes procedures for making claims, objections, and requesting exclusion by a specified date; that the Court will exclude the class member from the Settlement Class if the member so requests by a specified date; described that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if the member desires, enter an appearance through counsel. *See id.* Thus, the Notice meets all applicable requirements of law, including Missouri Rule of Civil Procedure 52.08(c) and (e); and meet the requirements of the Due Process Clauses of the United States and Missouri Constitutions. The Court further finds that the Notice provided for in the Settlement Agreement is written in plain

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

language, uses simple terminology, and is designed to be readily understandable by Settlement Class Members. The Claims Administrator is directed to carry out the Notice program in conformance with the Settlement Agreement.

10. **Exclusion from Class**. Any Settlement Class Member who wishes to be excluded from the Settlement Class must individually sign and timely submit written Request for Exclusion of such intent to the designated post office box established by the Claims Administrator in the manner provided in the Notice. The written request must clearly manifest a Person's intent to be excluded from the Settlement Class. To be effective, such Requests for Exclusion must be postmarked no later than the Opt-Out Deadline, which is no later than thirty (30) days from the Notice Deadline pursuant to paragraph 24 in the Settlement Agreement, and as stated in the Notice.

Within seven (7) days after the Opt-Out Deadline, the Claims Administrator shall furnish to Settlement Class Counsel and to MDMC's Counsel a complete list of all timely and valid Requests for Exclusion (the "Opt-Out List").

If a Final Order and Judgment is entered, all Persons falling within the definition of the Settlement Class who do not request to be excluded from the Settlement Class shall be bound by the terms of this Settlement Agreement and the Final Order and Judgment. All Persons who submit valid and timely Requests for Exclusion shall not receive any cash benefits of and/or be bound by the terms of the Settlement Agreement.

11. **Objections and Appearances**. A Settlement Class Member who does not submit a timely written Request for Exclusion and wishes to object to the Settlement Agreement may submit a timely written objection on or before the Objection Deadline in

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

the manner set forth in the Notice. The Notice shall instruct Settlement Class Members who wish to object to the Settlement Agreement to file their objections with the Court and to mail copies to Settlement Class Counsel and MDMC's counsel. The Notice shall advise Settlement Class Members of the deadline for submission of any objections—the "Objection Deadline." Any such objections to the Settlement Agreement must be written and must include all of the following: (a) the name of the proceedings; (b) the Settlement Class Member's full name, address, telephone number (if any), and email address (if any); (c) information identifying the objector as a Settlement Class Member; (d) a written statement of all grounds for the objection, accompanied by any legal support or documentation the objector cares to submit; (e) a statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (f) the identity of all lawyers (if any) representing the objector; (g) a statement of whether the objector or his/her attorneys intends to 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; (i) a list of all other matters in which the objecting Settlement Class Member and/or his/her attorney has lodged an objection to a class action settlement; and (j) the objector's signature.

To be timely, written objections in the appropriate form must contain the case name and docket number *Jane Doe and Janet Doe v. Missouri Delta Medical Center*, Case No. 23PE-CC00038, and must be filed with the Clerk of Court by the Objection Date, which is no later than sixty (60) days from the Notice Deadline pursuant to paragraph 24 in the Settlement Agreement, and served concurrently therewith upon

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

Settlement Class Counsel and MDMC's Counsel, postmarked by the Objection Deadline, established by this Preliminary Approval Order and as stated in the Notice.

Any Settlement Class Member who fails to comply with the requirements for objecting shall waive and forfeit any and all rights to appear separately and/or to object to the Settlement Agreement, and shall be bound by all the terms of the Settlement Agreement and by all proceedings, orders, and judgments in the Litigation. The provisions stated in paragraphs 24 to 27 of the Settlement Agreement shall be the exclusive means for any challenge to the Settlement Agreement. Any challenge to the Settlement Agreement, or the Final Order and Judgment to be entered upon final approval shall be pursuant to appeal under the Missouri Rules of Appellate Procedure and not through a collateral attack.

12. **Claims Process**. Settlement Class Counsel and Defendant have created a process for Settlement Class Members to claim benefits under the Settlement. The Court preliminarily approves this process and directs the Claims Administrator to make the Claim Form or its substantial equivalent available to Settlement Class Members in the manner specified in the Notice. The Claims Administrator will be responsible for effectuating the claims process.

Settlement Class Members who qualify for and wish to submit a Claim Form shall do so in accordance with the requirement and procedures specified in the Notice and the Claim Form. If the Final Order and Judgment is entered, all Settlement Class Members who qualify for any benefit under the Settlement but fail to submit a Claim in accordance with the requirements and procedures specified in the Notice and the Claim Form shall be

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

forever barred from receiving any such benefit, but will in all other respects be subject to and bound by the provisions in the Final Order and Judgment, including the releases contained therein.

13. **Termination of Settlement**. This Preliminary Approval Order shall become null and void and shall be without prejudice to the rights of the Parties, all of whom shall be restored to their respective positions existing before the Court entered this Preliminary Approval Order and before they entered the Settlement Agreement, if: (a) the Court does not enter this Preliminary Approval Order; (b) Settlement is not finally approved by the Court or is terminated in accordance with the Settlement Agreement; or (c) there is no Effective Date. In such event, (i) the Parties shall be restored to their respective positions in the Litigation and shall jointly request that all scheduled Litigation deadlines be reasonably extended by the Court so as to avoid prejudice to any Party or Party's counsel; (ii) the terms and provisions of the Settlement Agreement shall have no further force and effect with respect to the Parties and shall not be used in the Litigation or in any other proceeding for any purpose, and (iii) any judgment or order entered by the Court in accordance with the terms of the Settlement Agreement shall be treated as vacated, *nunc pro tunc.*

14. **Use of Order**. This Preliminary Approval 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 Preliminary Approval Order be construed or used as an admission, concession, or declaration by or

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

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 Litigation or in any other lawsuit.

15. **Continuance of Hearing**. 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 Claims 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.

16. **Stay of Litigation.** All proceedings in the Litigation, other than those related to approval of the Settlement Agreement, are hereby stayed. Further, any actions brought by Settlement Class Members concerning the Released Claims are hereby enjoined and stayed pending Final Approval of the Settlement Agreement.

FILED
09/24/2026
Tonya Hillhouse
CLERK, CIRCUIT COURT
PEMISCOT COUNTY

17. **Schedule and Deadlines**. The Court orders the following schedule of dates for the specified actions/further proceedings:

Event	Deadline
Defendant Provides Settlement Class List to Claims Administrator	Within 20 Days of Entry of the Preliminary Approval Order
Deadline For Claims Administrator to Begin issuing Notice (By Email) (the "Notice Deadline")	Within 30 Days of Entry Of Preliminary Approval Order
Opt-Out Deadline	30 Days After Notice Deadline
Claims Administrator Provides Parties With List Of Timely, Valid Opt Outs	7 Days After Opt-Out Deadline
Motion for Attorneys' Fees, Costs, Expenses, and Service Award Payments to Be Filed by Settlement Class Counsel	At Least 14 Days Prior to Objection Deadline
Objection Deadline	60 Days After Notice Deadline
Claims Deadline	60 Days After Notice Deadline
Motion For Final Approval to be Filed by Settlement Class Counsel	At Least 14 Days Prior To Final Approval Hearing
Final Approval Hearing	January 4, 2027 at 9:00 a.m.

DONE AND ORDERED on this 24 day of September, 2026.

Josh Underwood

Hon. Joshua D. Underwood