

SEP 11 2025

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

RICK WARREN
COURT CLERK
128

IN RE: OKLAHOMA SPINE
HOSPITAL DATA BREACH
LITIGATION

Case No. CJ-2024-7491

Hon. Judge Anthony L. Bonner

PRELIMINARY APPROVAL ORDER

WHEREAS, the above-captioned matter is a putative class action before this Court;

WHEREAS, Plaintiffs Shawn Coxen, Leslea Marshall, Pam Fleetwood, Jason Webb, Cheryl Ann McClain, and Carol Woods (collectively, "Plaintiffs" or "Class Representatives"), individually and on behalf of all other similarly situated individuals (the "Settlement Class" or "Settlement Class Members,"), and Defendant Oklahoma Spine Hospital L.L.C. ("Defendant") have entered into the Settlement Agreement,¹ which is subject to review and approval by the Court under 12 O.S. § 2023, and which, together with its exhibits, provides for a complete dismissal with prejudice of the claims asserted in the action against Defendant 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

¹ The capitalized terms used herein are defined and have the same meaning as used in the Settlement Agreement unless otherwise stated. The Settlement Agreement is attached to the Motion for Preliminary Approval as an exhibit.

Settlement Agreement; (3) appoint Plaintiffs as Class Representatives; (4) appoint William B. Federman of Federman & Sherwood 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 opt out and objection procedures; (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 Defendant 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 Approval Hearing;

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 12 O.S. § 2023(C)(1), the Action is hereby preliminarily certified as a class action on behalf of the following Settlement Class:

All persons who were sent a Notice of Data Breach Letter from Defendant concerning the Data Incident discovered by Defendant on or around July 1, 2024. The Settlement Class specifically excludes: (i) Defendant OSH, entity in which Defendant has a controlling interest, and Defendant's officers, directors, legal representatives, successors, subsidiaries, and assigns. Also excluded from the Class is any judge, justice, or judicial officer presiding over this matter and members of their immediate families and their judicial staff.

2. **Class Representatives:** The Court approves Plaintiffs Shawn Coxen, Leslea Marshall, Pam Fleetwood, Jason Webb, Cheryl Ann McClain, and Carol Woods as Class Representatives having found them as adequate class representatives.

3. **Class Counsel:** The Court appoints William B. Federman of Federman & Sherwood as Class Counsel to serve as Class Counsel. In appointing class counsel, 12 O.S. § 2023(F) requires the Court to consider (1) the work counsel has done in identifying or investigating potential claims in the action; (2) counsel's experience in handling class actions, other complex litigation, and other types of claims asserted in the action; (3) counsel's knowledge of the applicable law; and (4) the resources that counsel will commit to representing the class. The Court may also consider other matters pertinent to counsel's ability to fairly and adequately represent the interest of the class. 12 O.S. § 2023(F). The Court finds that proposed Class Counsel has expended a reasonable amount of time, effort, and expense investigating the Data Incident and that Class Counsel are 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 12 O.S. §§ 2023(A) and (B). 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 Defendant was negligent regarding its handling of Plaintiffs' PII/PHI. The Class Representatives' claims are typical of those of the Class, as the Class Representatives had or may have had their PII/PHI accessed or acquired in the Data Incident. The Class

Representatives and their counsel will fairly and adequately protect the interests of the Class as the Class Representatives have no interests antagonistic to the Class and have retained counsel who are experienced and competent to prosecute this matter on behalf of the 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 12 O.S. § 2023.

6. **Settlement Administrator:** The Parties are authorized to use Simpluris as the Settlement Administrator to supervise and administer the notice program, 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 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 opt-out of or 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 12 O.S. § 2023, 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. Should the Court grant Final Approval to the Settlement, Settlement Class Members who do not opt-out of the Settlement shall be bound by its terms even if they do not submit Claims.

9. As set forth in the Settlement Agreement, Defendant shall bear all costs and expenses associated with providing notice to the 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. Class Counsel and Defendant'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.

57. **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 Fee Application must, no later than sixty (60) days after the Notice Deadline, file his or her objection or comment with the Court, and provide copies of the objection or comment to: (1) the Court; and (2) Class Counsel. To state a valid objection the objection must state: (i) the objector's full name, address, telephone number, and e-mail address (if any); (ii) information identifying the objector as a Settlement Class Member, including proof that the objector is a member of the Settlement Class (e.g., copy of notice, copy of original notice of the Data Incident); (iii) a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable; (iv) a statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (v) the identity of any and all counsel representing the objector in connection with the objection; (vi) a statement as to whether the objector and/or his or her counsel will appear at the Final Fairness Hearing; (vii) a list of all settlements to which the objector and/or their counsel have objected in the preceding three (3) years; and (viii) the objector's signature and the signature of the objector's duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation). To be timely, written notice of an objection to the designated Post Office box established by the Claims Administrator by the Objection Date.

11. Any objecting Class Member may appear, in person or by counsel, at the Final Approval 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 Class

Member has first filed a written objection to the proposed settlement by the deadline set forth in this Order. The objecting Class Member must file and serve on all counsel designated in the Class Notice, a notice of intention to appear at the Final Approval 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 Class Members (or his/her counsel) will present to the Court in connection with the Final Approval 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 Approval Hearing.

12. If a Class Member files an objection to the Settlement, Class Counsel or Defendant’s Counsel may depose the objector consistent with the Oklahoma 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.

13. **Opt-Outs (Requests for Exclusion) from the Settlement Class:** Any Class Member shall have the right to opt out of the Class and the Settlement by sending a written

request for exclusion from the Class to the addresses listed in the Notices, postmarked or delivered no later than sixty (60) days after the Notice Deadline. To be effective, an opt-out request must be written and must clearly manifest a Person's intent to be excluded from the Settlement Class. Additionally, a Request for Exclusion must be postmarked no later than sixty (60) Days after the Notice Deadline. Any Class Member who does not submit a timely and valid opt-out shall be subject to and bound by the Settlement Agreement and every order or judgment entered concerning the Settlement Agreement.

14. **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 Defendant, all of whom shall be restored to their respective positions in the Action as provided in the Agreement.

15. **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.

16. Upon the entry of this order, with the exception of Class Counsel, Defendant's Counsel, Defendant, and the 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 Defendant 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.

17. **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.

18. **Final Approval Hearing:** A hearing on final approval of the Settlement Agreement, an award of fees and expenses to Class Counsel, and a Service Award to the Class Representatives (the "Final Approval Hearing") shall be held on the 17 day of February, 2026 at 9:00 a.M. (central) before the undersigned in Courtroom 304 of the District Court of Oklahoma County, 321 Park Ave., Oklahoma City, OK 73102. At the Final Approval 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 Class Counsel's application for attorneys' fees and expenses and Service Award for the Class Representatives should be granted.

19. **Fee Application:** Class Counsel shall file an application for attorneys' fees and costs and Service Award to the Class Representatives ("Fee Application") within forty-five (45) days after the Notice Deadline.

20. **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 two (2) weeks before the Final Approval Hearing.

21. The procedures and requirements for filing objections in connection with the

Final Approval Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any Class Member's objection to the Settlement Agreement so as to protect the due process rights of all Class Members.

22. 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 Class Counsel shall have the option to file any reply in support of the Fee Application, if necessary.

23. The Court reserves the right to adjust the date of the Final Approval 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.

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

Event	Date
Defendant to Provide Class Member Information to Settlement Administrator	7 days after Preliminary Approval
Notice Deadline	30 days after Preliminary Approval
Deadline to File Motion for Attorneys' Fees, Costs, and Service Award	14 days before Objection Deadline
Opt Out Deadline	60 days after the Notice Deadline
Objection Deadline	60 days after the Notice Deadline
Deadline to Respond to Objections	7 days before Final Approval Hearing
Deadline to Submit Claim Forms	90 days after the Notice Deadline
Deadline to File Motion for Final Approval	14 days before Final Approval Hearing

Final Approval Hearing	<p style="text-align: center;">_____, 202__</p> <p style="text-align: center;">at __:__ a.m./p.m. (central)</p> <p><i>*To be scheduled by the Court at least 120 days after the Order Granting Preliminary Approval is entered.</i></p>
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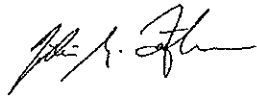
IT IS SO ORDERED this 9 day of September, 2025.


 HONORABLE JUDGE BONNER

APPROVED AS TO FORM:

CLASS COUNSEL:

Date: 8/29/2025



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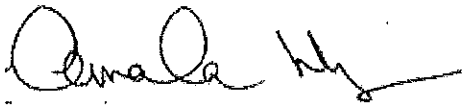
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 AS FILED OF RECORD
 IN DISTRICT COURT

SEP 11 2025

RICK WARREN COURT CLERK
 Oklahoma County


COUNSEL FOR DEFENDANT:

Date: 8/29/2025



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