

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-037770

06/23/2026

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
A. Walker
Deputy

JACK FEATHERS, et al.

MICHAEL C MCKAY

v.

ON Q FINANCIAL L L C

BRIAN J SCHULMAN

JOHN J NELSON
JUDGE KREAMER

MINUTE ENTRY

East Court Building – Courtroom 811-VC-CV

1:31 p.m. This is the time set for a virtual Preliminary Approval Hearing. Plaintiffs/Class Representatives, Jack Feathers, Barbara Squier, Isaiah Castetellaw, and Brian Eitemiller, are represented by counsel, John J. Nelson and Michael C. McKay. Defendant, On Q Financial LLC, is represented by counsel, Brian J. Schulman. All parties appear virtually.

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held regarding Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement and Memorandum in Support of Unopposed Amended Motion for Preliminary Approval of Class Action Settlement, filed March 13, 2026.

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The Court finds that this case arises from a “Data Security Incident” relating to sensitive personally identifying information held by Defendant On Q that occurred in February, 2024.

The Court notes that there were originally three federal class action cases consolidated into one in US District Court. The parties to that consolidated case negotiated the Settlement Agreement after a mediation in late 2025. The parties then voluntarily dismissed the federal case and initiated this one in Maricopa County Superior Court.

The Court has reviewed the details regarding the proposed Settlement Agreement, including the proposed class, compensation to the settlement class members and notice provisions, including attorneys’ fees.

Addressing certification of the Settlement Class, the Court has applied Rule 23(a) and finds that the proposed Settlement Class satisfies all four elements of the Rule:

1. The class is so numerous (over 200,000 people) that joinder of all members is impractical;
2. There are sufficient questions of law and fact common to the entire class (Defendant’s duty and breach);
3. The claims and defenses of the representative parties appear to be typical of class members – their claims arise from the same conduct of Defendant;
4. The representative parties will fairly and adequately represent the interest of the Class – the representatives’ interests are aligned with the Class, counsel appear to be experienced class action litigators and it is unlikely that the action is collusive.

The Court also finds that the proposed Settlement Class meets the requirements of Rule 23(b)(3), applying the factors set forth in Rule 23(b)(3)(A-D). The Court finds particularly persuasive that it appears that common legal and factual questions predominate. The Court agrees with Plaintiffs’ counsel that resolution of numerous claims in one action would be far superior to resolving them in individual cases.

Further, the Court does find, as a preliminary matter, that the proposed settlement fair and reasonable, applying the factors set forth in Rule 23(e)(2). From the Court’s review of the Motion and the Settlement Agreement, it appears that the class representatives and counsel have adequately representing the class; the proposal was negotiated at arms-length, and the relief obtained for the class is adequate taking into account the costs and risks of trial, the method of processing claims, and the proposed attorneys’ fees.

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The Court further finds that the proposed settlement satisfies Rule 23(e)(2)(D) because it treats class members equitably to each other.

Additionally, the Court finds that the proposed notice program, as set forth in Exhibit B to the Settlement Agreement satisfies the requirements of Rule 23(c)(2) because it clearly and concisely sets forth the nature of the action, defines the class, provides notice of the claims, advises of the right to an individual attorney, the availability and process of requesting exclusion, and the binding effect of a judgment.

Finally, the Court has reviewed Mr. Nelson's Declaration and finds that proposed Plaintiffs' counsel meet the criteria for appointment of counsel for the Proposed Class.

Accordingly,

IT IS ORDERED conditionally certifying the proposed Settlement Class.

IT IS FURTHER ORDERED preliminarily approving the Settlement Agreement.

IT IS FURTHER ORDERED approving the form and method of notice to the proposed Settlement Class.

IT IS FURTHER ORDERED setting a virtual Final Fairness Hearing on **November 16, 2026 at 10:00 a.m. (time allotted: 60 minutes)** in this division.

This matter will be heard by video/audio conference using **Court Connect**. Court Connect is the Superior Court in Maricopa County's video court hearing platform. For more information about Court Connect, please visit: <https://superiorcourt.maricopa.gov/court-connect>. Counsel shall have their calendars available for this proceeding.

A Court Connect video link will be emailed to counsel of record (or self-represented parties) the day before the hearing. All parties must appear by video and ensure their environment is free from distractions.

Join on your computer or mobile app by copying the link below and pasting it into an internet browser

<https://tinyurl.com/jbazmc-cvj07>

The Court prefers video appearances

Or call in (audio only)
Form V000A

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1-917-781-4590,
Phone Conference ID: 75956374#

Discussion is held regarding attorneys' fees.

Counsel inform the Court they will submit a fee request to the Court 30 days prior to the Final Fairness Hearing.

1:44 p.m. Matter concludes.