

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case No. 21-CV-2554 (PJS/JFD)

*In re Pawn America Consumer Data
Breach Litigation*

**ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Before this Court is Plaintiffs' Renewed and Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion"). The Court has reviewed the Motion and Settlement Agreement between Plaintiffs Monique Derr, Randell Huff, Paola Manzo, Megan Murillo, and Melissa Thomas ("Plaintiffs") and Defendants Pawn America Minnesota, LLC ("Pawn America"), Payday America, Inc. ("Payday America"), and PAL Card Minnesota, LLC ("PAL Card") (collectively "Pawn America" or "Defendants"). After reviewing Plaintiffs' Motion, this Court grants the Motion [ECF No. 163] and preliminarily concludes that the proposed Settlement is fair, reasonable, and adequate.

IT IS HEREBY ORDERED THAT:

1. The Settlement Agreement,¹ including the proposed notice plan and forms of notice to the Class Members, the appointment of Plaintiffs Randell Huff, Megan Murillo, Melissa Thomas, Monique Derr, and Paola Manzo as the Class Representatives, the

¹ All capitalized terms used in this Order shall have the same meanings as set for in the Settlement Agreement, which is attached as Exhibit A to the Declaration of Christopher P. Renz in Support of Plaintiffs' Renewed and Unopposed Motion for Preliminary Approval of Class Action Settlement.

appointment of Class Counsel for Plaintiffs and the Class, the approval of Verita Global, LLC, as the Settlement Administrator, the various forms of class relief provided under the terms of the Settlement, and the proposed method of distribution of settlement benefits are fair, reasonable, and adequate, subject to further consideration at the Final Approval Hearing described below.

2. The Court does hereby preliminarily and conditionally approve and certify, for settlement purposes, the following Classes:

Settlement Class

All natural persons residing in the United States at the time of the Data Incident whose Private Information was potentially compromised in the Data Incident, including persons who received notification of the Data Incident from Defendants. Excluded from the Settlement Class are all persons who are: (a) directors and officers of Defendants; (b) the Judge assigned to the Action, that Judge's immediate family, and Court staff; and (c) natural persons who properly execute and submit a Request for Exclusion prior to the expiration of the Opt-Out Period.²

California Settlement Subclass

All members of the Settlement Class who were residing in California in September or October of 2021.

3. For purposes of settlement, based on the information provided: the Settlement Class is ascertainable; it consists of roughly 679,604 Class Members, satisfying numerosity; there are common questions of law and fact including whether Defendants may have failed to implement and maintain reasonable security procedures and practices appropriate to the nature and scope of the information compromised in the Incident,

² "Data Incident" shall mean the cyberattack Defendants experienced on or about September 28, 2021 giving rise to the Litigation.

satisfying commonality; the proposed Class Representatives' claims are typical in that they are members of the Class and allege that they have been damaged by the same conduct as the other members of the Class; the proposed Class Representatives and Class Counsel fully, fairly, and adequately protect the interests of the Class; questions of law and fact common to members of the Class predominate over questions affecting only individual members for settlement purposes; and a class action for settlement purposes is superior to other available methods for the fair and efficient adjudication of this Action.

4. The Court appoints Plaintiffs Monique Derr, Randell Huff, Paola Manzo, Megan Murillo, and Melissa Thomas as the Class Representatives.

5. The Court appoints Bryan L. Bleichner of Chestnut Cambronne P.A., and Nathan D. Prosser of Hellmuth & Johnson PLLC as Class Counsel for the Class.

6. The Court appoints Verita Global, LLC as the Settlement Administrator.

7. A Final Approval Hearing shall be held before the Court on September 9, 2026 at 8:30 a.m. CT for the following purposes:

- a. To determine whether the proposed Settlement is fair, reasonable, and adequate to the Class and should be approved by the Court;
- b. To determine whether to grant Final Approval, as defined in the Settlement Agreement;
- c. To determine whether the notice plan as conducted was appropriate;
- d. To determine whether the claims process under the Settlement is fair, reasonable, and adequate and should be approved by the Court;
- e. To determine whether the Service Awards of \$4,000.00 to each of the five

Class Representatives should be approved by the Court;

- f. To determine whether the requested Class Counsel's combined attorneys' fees of up to one-third of the Settlement Fund (\$1,061,666.67) and litigation expenses of up to \$50,000.00 should be approved by the Court;
- g. To determine whether the settlement benefits are fair, reasonable, and adequate; and
- h. To rule upon such other matters as the Court may deem appropriate.

8. The Court approves, as to the form and content, the Notices. Furthermore, the Court approves the implementation of the Settlement Website and the proposed methods of mailing or distributing the Notices substantially in the form as presented in the exhibits to the Motion for Preliminary Approval of Class Action Settlement, and finds that such notice plan meets the requirements of Federal Rules of Civil Procedure 23 and due process, and is the best notice practicable under the circumstances, and shall constitute due and efficient notice to all persons or entities entitled to notice.

9. The Court preliminarily approves the following Settlement Timeline for the purposes of conducting the notice plan, settlement administration, claims processing, and other execution of the proposed Settlement:

SETTLEMENT TIMELINE

<u>From Order Granting Preliminary Approval</u>	
Defendant provides list of Class Members to the Settlement Administrator	+5 days
Settlement Administrator Funds Deposited by Defendant for Notice	+15 days
Notice Date	+30 days
Counsel's Motion for Attorneys' Fees, Reimbursement of Litigation Expenses, and Class Representative Service Awards	+76 days (-42 days before the Final Fairness Hearing)
Objection Deadline	+90 days (+60 days after the Notice Date)
Opt-Out Deadline	+90 days (+60 days after the Notice Date)
Settlement Administrator Provide List of Objections/Exclusions to the Parties' counsel	+100 days (+10 days after the Objection and Opt-Out Deadlines)
Claims Deadline	+120 days (+90 days after the Notice Date)
<u>Final Approval Hearing</u>	
Motion for Final Approval	September 9, 2026 14 days before Final Approval Hearing
<u>From Order Granting Final Approval</u>	
Effective Date	+60 days, assuming no appeal has been taken. See definition of Final Approval in the Agreement.
Payment of Class Representative Service Awards	+60 days after the Effective Date
Payment of Claims to Class Members	+60 days after the Effective Date
Payment of Attorneys' Fees and Expenses	+60 days after the Effective Date
Settlement Website Deactivation	+90 days after the Effective Date

10. In order to be a timely claim under the Settlement, a Claim Form must be either postmarked or received by the Settlement Administrator no later than 90 days after the Notice Date. Class Counsel and the Settlement Administrator will ensure that all specific dates and deadlines are added to the Notices and posted on the Settlement Website after this Court enters this Order in accordance with the timeline being keyed on the grant of this Order.

11. Additionally, all requests to opt out or object to the proposed Settlement must be received by the Settlement Administrator no later than 60 days after the Notice Date. 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 Agreement. 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 timely received by the Court, Verita Global, LLC, or Class Counsel. Class Members who seek to Opt-Out shall receive no benefit or compensation under this Agreement.

12. Class Members may submit an objection to the proposed Settlement under Federal Rule of Civil Procedure 23(e)(5). For an Objection to be valid, it must be filed with the Court within 60 days of the Notice Date and include each and all of the following:

- a. the objector’s full name, mailing address, telephone number, and email address (if any);
- b. all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector’s counsel;

- c. the identity of all counsel (if any) who represent the objector, including any former or current counsel who may claim an entitlement to compensation for any reason related to the objection to the Settlement or Motion for Attorneys' Fees, Costs, and Service Awards;
- d. the identity of all counsel (if any) representing the objector, and whether they will appear at the Final Approval Hearing;
- e. a list of all cases, including case name, court file number, and court, in which the objector has previously filed an objection;
- f. a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- g. a statement confirming whether the objector intends to personally appear at the Final Approval Hearing, and whether the objector intends to offer testimony; and
- h. the objector's signature (an attorney's signature is not sufficient).

Any Objection failing to include the requirements expressed above will be deemed to be invalid. Furthermore, any Class Member objecting to the Settlement agrees to submit to any discovery related to the Objection.

13. All Class Members shall be bound by all determinations and judgments in this Action concerning the Settlement, including, but not limited to, the release provided for in the Settlement Agreement, whether favorable or unfavorable, except those who timely and validly request exclusion from the Class. The persons and entities who timely and validly request exclusion from the Class will be excluded from the Class and shall not

have rights under the Settlement Agreement, shall not be entitled to submit Claim Forms, and shall not be bound by the Settlement Agreement or any Final Approval order as to Defendants in this Litigation.

14. Pending final determination of whether the Settlement Agreement should be approved, Plaintiffs and the Class are barred and enjoined from commencing or prosecuting any claims asserting any of the Released Claims against Defendants.

15. The Court reserves the right to adjourn the date of the Final Approval Hearing without further notice to the potential Class Members and retains jurisdiction to consider all further requests or matters arising out of or connected with the proposed Settlement. The Court may approve the Settlement, with such modification as may be agreed to by the Parties or as ordered by the Court, without further notice to the Class.

Dated: March 6, 2026

/s/ Patrick J. Schiltz
Patrick J. Schiltz, Chief Judge
United States District Court