

FILED
09-22-2025
CIRCUIT COURT
DANE COUNTY, WI
2024CV001077

DATE SIGNED: September 22, 2025

Electronically signed by Stephanie R. Hilton
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

Branch 8

DANIEL PEARSON, GABRIELLA JENICH, Case No. 2024-CV-001077
MARGARET HETZLER, LISA MITCHELL,
SUE MAURER, MICHAEL COLLINS, CLASS ACTION
JENNIFER JOHNSON-HEISS, MARY
DONAHUE, and MALEAH MOSKOFF,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

GROUP HEALTH COOPERATIVE OF SOUTH
CENTRAL WISCONSIN,

Defendant.

**[PROPOSED] ORDER PRELIMINARILY APPROVING
CLASS ACTION SETTLEMENT**

This matter having come before the Court on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement ("Motion"), the Court having reviewed in detail and considered the Motion and memorandum in support of the Motion, the Settlement Agreement¹ between Plaintiffs Daniel Pearson, Gabriella Jenich, Margaret Hetzler, Lisa Mitchell, Sue Maurer, Michael Collins, Jennifer Johnson-Heiss, Mary Donahue, and Maleah Moskoff and Defendant Group Health Cooperative of South Central Wisconsin, and all other papers that have been filed with the Court

¹ Capitalized terms used in this Order that are not otherwise defined herein have the same meaning assigned to them in the Settlement Agreement.

related to the Settlement Agreement, including all exhibits and attachments to the Motion and the Settlement Agreement, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

Settlement Class Certification

1. The Court hereby conditionally certifies, pursuant to Wis. Stat. § 803.08, and for the purposes of settlement only, the following Settlement Class consisting of:

All individuals residing in the United States who were sent a notice of the Data Incident and all individuals residing in the United States whose Private Information may have been impacted in the Data Incident.

Excluded from the Settlement Class are: (1) all persons who are directors, officers, and agents of Defendant, or their respective subsidiaries and affiliated companies; (2) governmental entities; and (3) the Judge assigned to the Action, that Judge's immediate family, and Court staff.

2. For settlement purposes only, the Court finds that the prerequisites to class action treatment under Wis. Stat. § 803.08(1)—including numerosity, commonality and predominance, adequacy, and appropriateness of class treatment of these claims—have been preliminarily satisfied.

- a. The members of the Settlement Class are too numerous for their joinder to be practicable. There are approximately 533,809 Settlement Class Members.
- b. Questions of law and fact common to the Settlement Class predominate over individualized questions. Issues such as whether Defendant failed to prevent the potential accessibility of Plaintiffs' and Class Members' Private Information and whether Defendant failed to implement and maintain reasonable security procedures and practices appropriate to the nature and scope of the information potentially accessible in the Data Incident are common to all Settlement Class Members and predominate over individualized questions.

- c. Plaintiffs' and Defendant's claims and defenses are typical of the claims and defenses of the Settlement Class.
- d. Plaintiffs are adequate Class Representatives whose interests in this matter are aligned with those of all other Settlement Class Members. Proposed Class Counsel—Ben Barnow of Barnow and Associates, P.C. and Jeff Ostrow of Kopelowitz Ostrow P.A.—have experience and expertise prosecuting class actions and have committed the necessary resources to represent the Settlement Class.

3. For settlement purposes only, the Court finds that the requirements for a class action under Wis. Stat. § 803.08(2)(c) have been preliminarily satisfied:

- a. Questions of law or fact common to the Settlement Class predominate over any questions affecting only individual members as all Settlement Class Members' Private Information may have been impacted in the Data Incident.
- b. A class action is superior to other methods for fairly and efficiently adjudicating the controversy, as it is not economical for all 533,809 Settlement Class Members to file individual suits against Defendant.

Preliminary Approval of Settlement

4. The terms of the Settlement Agreement are preliminarily approved as fair, reasonable and adequate. There is good cause to find that the Settlement Agreement was negotiated at arm's-length between the Parties, who were represented by experienced counsel.

5. For settlement purposes only, Plaintiffs Daniel Pearson, Gabriella Jenich, Margaret Hetzler, Lisa Mitchell, Sue Maurer, Michael Collins, Jennifer Johnson-Heiss, Mary Donahue, and Maleah Moskoff are appointed as Class Representatives.

6. For settlement purposes only, the following counsel are hereby appointed as Class Counsel:

Ben Barnow
BARNOW AND ASSOCIATES, P.C.
205 W. Randolph St., Suite 1630
Chicago, Illinois 60606

Jeff Ostrow
KOPELOWITZ OSTROW P.A.
1 West Las Olas Blvd., Ste. 500
Fort Lauderdale, FL 33301

Manner and Form of Notice

7. The Court approves, in form and content, the Email, Postcard, and Long-Form Notices, attached to the Settlement Agreement as Exhibits 1, 2, and 3, respectively, and finds that they meet the requirements of Wis. Stat. § 803.08(4) and satisfy due process.

8. The Court finds that the planned notice set forth in the Settlement Agreement meets the requirements of Wis. Stat. § 803.08(4) and constitutes the best notice practicable under the circumstances, where Settlement Class Members' identities are contained in Defendant's records and may be readily ascertained, satisfying fully the requirements of due process, and any other applicable law, such that the Settlement Agreement and Final Approval Order will be binding on all Settlement Class Members. In addition, the Court finds that no notice other than that specifically identified in the Settlement Agreement is necessary in this action. The Parties, by agreement, may revise the Notices and Claim Form in ways that are not material, or in ways that are appropriate to update those documents for purposes of accuracy or formatting for publication.

9. Kroll Settlement Administration, LLC is hereby appointed Settlement Administrator to supervise and administer the notice process, as well as to oversee the administration of the Settlement, as more fully set forth in the Settlement Agreement.

10. The Settlement Administrator may proceed with the distribution of the Notices as set forth in the Settlement Agreement.

11. Settlement Class Members who wish to receive benefits under the Settlement Agreement must complete and submit a valid Claim Form in accordance with the instructions provided in the Notices no later than 15 days before the Final Approval Hearing. The Court hereby approves the form and content of the Claim Form attached to the Settlement Agreement as Exhibit 4.

12. All Claim Forms must be either mailed via U.S. Mail to the address specified in the Claim Form and/or be electronically submitted to the Settlement Administrator via the Settlement Website no later than 15 days before the Final Approval Hearing. Settlement Class Members who do not timely submit a Claim Form deemed to be valid in accordance with the Settlement Agreement shall not be entitled to receive any portion of the Settlement Fund.

13. Settlement Class Members shall be bound by all determinations and orders pertaining to the Settlement, including with respect to Released Claims as set forth in the Settlement Agreement, whether favorable or unfavorable, unless such persons request to opt out of the Settlement Class in a timely and proper manner, as hereinafter provided. Settlement Class Members who do not timely and validly request to opt out shall be so bound even if they have previously initiated other litigation or other proceedings against Defendant or the Released Parties relating to the claims released under the terms of the Settlement Agreement.

14. Class Counsel may file their Application for Attorneys' Fees, Costs, and Service Awards in accordance with the terms of the Settlement Agreement, no later than 14 days prior to the Opt-Out and Objection Deadline.

Opting Out of the Settlement Class

15. Any person within the Settlement Class may request to opt out of the Settlement Class by expressly stating his/her request in a written opt-out request. Such opt-out requests must be received by the Settlement Administrator at the address specified in the Class Notice in written form, by first class mail, postage prepaid, and postmarked, no later than 30 days before the Final Approval Hearing.

16. In order to exercise the right to opt out, a person within the Settlement Class must timely submit via first class mail a written request to opt out to the Settlement Administrator (a) stating his or her full name, address, and telephone number; (b) containing the Settlement Class Member's personal and original signature; and (c) stating unequivocally the Settlement Class Member's intent to opt out of the Settlement Class and from the Settlement. No person within the Settlement Class, or any person acting on behalf of, in concert with, or in participation with that person within the Settlement Class, may request to opt out of the Settlement Class for any other person within the Settlement Class.

17. Any person in the Settlement Class who elects to opt out shall not: (i) be bound by any orders or the Final Approval Order; (ii) be entitled to relief under the Settlement Agreement; (iii) gain any rights by virtue of this Settlement Agreement; or (iv) be entitled to object to any aspect of the Settlement Agreement.

Objections to the Settlement

18. Any Settlement Class Member who has not requested to opt out of the Settlement Class and who wishes to object to any aspect of the Settlement Agreement, including the amount of the attorneys' fees, costs, and expenses that Class Counsel intends to seek and the payment of the Service Awards to the Class Representatives, may do so, either personally or through an attorney, by filing a written objection, together with the supporting documentation set forth below

in Paragraph 20 of this Order, with the Clerk of the Court, and served upon Class Counsel, Defendant's Counsel, and the Settlement Administrator no later than 30 days before the Final Approval Hearing. Addresses for Class Counsel, Defendant's Counsel, and the Settlement Administrator are as follows:

CLASS COUNSEL	DEFENDANT'S COUNSEL	SETTLEMENT ADMINISTRATOR
Ben Barnow Barnow and Associates, P.C. 205 W. Randolph Street, Ste. 1630 Chicago, IL 60606 Jeff Ostrow Kopelowitz Ostrow P.A. 1 West Las Olas Blvd., Ste. 500 Fort Lauderdale, FL 33301	Thomas Heneghan Husch Blackwell LLP 80 South Eight Street, Ste. 4800 Minneapolis, MN 55402 Jacob Harris Husch Blackwell LLP 33 East Main Street, Suite 300 Madison, WI 53703	<i>Pearson, et al. v. Group Health Cooperative of South Central Wisconsin c/o Kroll Settlement Administration PO Box 225391 New York, NY 10150-5391</i>

19. Any Settlement Class Member who has not requested to opt out and who intends to object to the Settlement must include in their objection: (i) their full name, mailing address, telephone number, and email address (if any); (ii) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel; (iii) the number of times the objector has objected to a class action settlement within the five years preceding the date that they file the objection, the caption of each case in which they have made such objection, and a copy of any orders related to or ruling upon their prior objections that were issued by the trial and appellate courts in each listed case; (iv) the identity of all counsel 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, Expenses, and Service Awards; (v) the number of times in which the objector's counsel and/or the objector's

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; (vi) whether the objector's counsel will appear at the Final Approval Hearing; (vii) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any); (viii) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and (ix) the objector's signature (an attorney's signature is not sufficient). Objections must be filed with the Court and served on Class Counsel, Defendant's Counsel, and the Settlement Administrator no later than 30 days before the Final Approval Hearing. Objections not filed and served in accordance with this Order shall not be received or considered by the Court. Any Settlement Class Member who fails to timely file and serve a written objection in accordance with this Order shall be deemed to have waived, and shall be forever foreclosed from raising, any objection to the Settlement, to the fairness, reasonableness, or adequacy of the Settlement, to the payment of attorneys' fees, costs, and expenses, to the payment of the Service Awards, and to the Final Approval Order and the right to appeal same.

20. A Settlement Class Member who has not requested to opt out of the Settlement Class and who has properly submitted a written objection in compliance with the Settlement Agreement, may appear at the Final Approval Hearing in person or through counsel to show cause why the proposed Settlement should not be approved as fair, reasonable, and adequate. Attendance at the hearing is not necessary; however, persons wishing to be heard orally in opposition to the approval of the Settlement and/or Class Counsel's Application for Attorneys' Fees, Costs, Expenses, and Service Awards are required to indicate in their written objection their intention to

appear at the Final Approval Hearing on their own behalf or through counsel. For any Settlement Class Member who files a timely written objection and who indicates his/her intention to appear at the Final Approval Hearing on their own behalf or through counsel, such Settlement Class Member must also include in his/her written objection the identity of any witnesses he/she may call to testify, and all exhibits he/she intends to introduce into evidence at the Final Approval Hearing, which shall be attached.

21. No Settlement Class Member shall be entitled to be heard, and no objection shall be considered, unless the requirements set forth in this Order and in the Settlement Agreement are fully satisfied. Any Settlement Class Member who does not make his or her objection to the Settlement in the manner provided herein, or who does not also timely provide copies to Counsel for the Parties at the addresses set forth herein, shall be deemed to have waived any such objection by appeal, collateral attack, or otherwise, and shall be bound by the Settlement Agreement, the releases contained therein, and all aspects of the Final Approval Order.

Final Approval Hearing

22. All papers in support of the Final Approval of the Settlement shall be filed at least 7 days prior to the Final Approval Hearing.

23. Pending the final determination of the fairness, reasonableness, and adequacy of the proposed Settlement, no Settlement Class Member may prosecute, institute, commence, or continue any lawsuit (individual action or class action) with respect to the Released Claims against any of the Released Parties.

24. A Final Approval Hearing shall be held before the Court on _____, at _____ .m., in Courtroom _____, Circuit Court of Dane County, 215 S Hamilton St., , Madison,

WI 53703 (or at such other time and location as the Court may without further notice direct) for the following purposes:

- a. to finally determine whether the Settlement Class should be certified as a class under Wis. Stat. § 803.08;
- b. to determine whether the Settlement is fair, reasonable, and adequate, and should be approved by the Court;
- c. to determine whether the judgment as provided under the Settlement Agreement should be entered;
- d. to consider the Application for Attorneys' Fees, Costs, Expenses, and Service Awards;
- e. to consider the distribution of the Settlement Fund pursuant to the Settlement Agreement; and
- f. to rule upon such other matters as the Court may deem appropriate.

25. The Final Approval Hearing may be postponed, adjourned, transferred, or continued by order of the Court without further notice to the Settlement Class. At or following the Final Approval Hearing, the Court may enter a judgment approving the Settlement Agreement and a Final Approval Order in accordance with the Settlement Agreement that adjudicates the rights of all Settlement Class Members.

26. Settlement Class Members do not need to appear at the Final Approval Hearing or take any other action to indicate their approval.

Temporary Stay

27. All discovery, pending motions, and other proceedings in the litigation as between Plaintiffs and Defendant are stayed and suspended until further order of the Court except such actions as may be necessary to implement the Settlement Agreement and this Order.

Termination of the Settlement

28. If the Settlement fails to become effective in accordance with its terms, or if the Final Order and Judgment is not entered or is reversed or vacated on appeal, the Order shall be null and void, the Settlement Agreement shall be deemed terminated, and the Parties shall return to their positions without any prejudice, as provided for in the Settlement Agreement.

Upcoming Deadlines

29. For clarity, the deadlines set forth above and in the Settlement Agreement are as follows:

EVENT	DATE
Defendant to provide Settlement Class Member Information to Settlement Administrator	7 Days after entry of Preliminary Approval Order
Notice Date	30 Days after entry of Preliminary Approval Order
Deadline for Plaintiffs to File Motion for Final Approval, including Application for Attorneys' Fees, Costs, Expenses, and Service Awards	14 Days prior to Opt-Out and Objection Deadline
Opt-Out and Objection Deadlines	30 Days prior to Final Approval Hearing
Deadline for Class Members to Submit Claim Forms	15 Days prior to Final Approval Hearing
Deadline for Plaintiffs to File All Materials in Support of Motion for Final Approval	7 Days prior to Final Approval Hearing
Final Approval Hearing	At least 130 Days after the entry of this Order