

**COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO**

**PHYLLIS RICE, MARTIN CREUTZ,
BONNIE COGSWELL, KATHY
VALENTINE, and TIFFANY CALLAHAN II,
*individually and
on behalf of all others similarly situated,***

Plaintiffs,

v.

**CARESPRING HEALTH CARE
MANAGEMENT, LLC,**

Defendant.

Case No. 2024 CVH 01199

JUDGE VICTOR M. HADDAD

**[PROPOSED]
ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

Before this Court is Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion"). The Court has reviewed the Motion and Settlement Agreement between Plaintiffs and Defendant Carespring Health Care Management, LLC ("Carespring"). After reviewing the Motion and the supporting documents, this Court grants the Motion and preliminarily concludes that the proposed Settlement is fair, reasonable, and adequate.

IT IS HEREBY ORDERED THAT:

1. The Settlement Agreement, including the proposed notice plan and forms of notice to the Settlement Class, the appointment of Plaintiffs Martin Creutz, Bonnie Cogswell, Phyllis Rice, Kathy Valentine, and Tiffany Callahan II as the Class Representatives, the appointment of Isabel DeMarco of Markovits Stock & Demarco, LLC Philip J. Krzeski, Chestnut Cambronne PA, Kevin M. Cox of The Lyon Firm, LLC, Tyler J. Bean of Siri Glimstad, LLP, and Scott E. Cole of

Cole and Van Note P.A., as Proposed Settlement Class Counsel, the approval of Simpluris, Inc. 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, for settlement purposes, the following Settlement Class:

Settlement Class: All individuals who were sent written notice by Carespring Health Care Management, LLC that their Private Information was potentially impacted in the Data Incident involving Carespring that occurred in October 2023.

3. Based on the information provided, the Court preliminarily finds for settlement purposes that: the Settlement Class is ascertainable; it consists of roughly 44,000 Settlement Class Members satisfying numerosity; there are common questions of law and fact including whether Defendant failed to implement and maintain reasonable security procedures and practices appropriate to the nature and scope of the Private Information allegedly impacted in the Data Incident, satisfying commonality; the proposed Class Representatives' claims are typical in that they are members of the Settlement Class and allege they have been damaged by the same conduct as the other members of the Settlement Class; the proposed Class Representatives and Proposed Settlement Class Counsel fully, fairly, and adequately protect the interests of the Class; questions of law and fact common to members of the Settlement 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 Litigation.

4. The Court preliminarily appoints Plaintiffs Martin Creutz, Bonnie Cogswell, Phyllis Rice, Kathy Valentine, and Tiffany Callahan II as the Class Representatives.

5. The Court preliminarily appoints Isabel DeMarco of Markovits, Stock & DeMarco,

LLC, Philip J. Krzeski, Chestnut Cambronne PA, Kevin M. Cox of The Lyon Firm LLC, Tyler J. Bean of Siri & Glimstad, LLP, and Scott E. Cole of Cole & Van Note P.A. as Class Counsel for the Class.

Simpluris Inc.

6. The Court appoints _____ as the Settlement Administrator.

7. A Final Approval Hearing shall be held before the Court on April 28, 25 at 11 A.M. for the following purposes:

- a. To determine whether the proposed Settlement is fair, reasonable, and adequate to the Class and should be finally approved by the Court;
- b. To determine whether the notice plan was conducted appropriately;
- c. To determine whether the requested Class Representative Service Awards of \$2,500 each to Class Representatives and Class Counsel's combined attorneys' fees, litigation costs and expenses in the amount of \$305,000.00 should be approved by the Court;
- d. To rule upon such other matters as the Court may deem appropriate.

8. The Court approves, as to the form and content, the Class Notice (including the Claim Form). 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 noted in Section 9 of the Settlement Agreement and finds that such Notice meets the requirements of Civ. R. 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 Timeline for the purposes of conducting the notice plan, settlement administration, claims processing, and other execution of the proposed Settlement:

<u>Grant of Preliminary Approval</u>	
Defendant to Provide Class List	No later than 14 days after Preliminary Approval
Settlement Website activated	No later than 30 days after Preliminary Approval
Notice Date	No later than 30 days after Preliminary Approval
Class Counsel's Motion for Attorneys' Fees, Reimbursement of Litigation Expenses, and Class Representatives' Service Awards	At least 14 days before the Objection Date
Objection Date	60 days after the Notice Commencement Date
Opt-Out Date	60 days after the Notice Commencement Date
Claims Deadline	90 days after the Notice Commencement Date
<u>Final Approval Hearing</u>	At least 120 days after Preliminary Approval
Motion for Final Approval	At least 14 days before Final Approval Hearing <i>No later than 4/13/26</i>

10. To be a timely claim under the Settlement Agreement, a Claim Form must be either postmarked and/or submitted online by the Claims Deadline, which is no later than 90 days after the Notice Commencement Date. Class Counsel and the Settlement Administrator will ensure that all specific dates and deadlines are added to the Class Notice 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 sent no later than 60 days after the Notice Commencement 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 to Simpluris, Inc. and/or Class Counsel, and shall satisfy all other terms of Section 7 of the Settlement Agreement. Members of the Class 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 Ohio Rule of Civil Procedure 23(E)(5). For an Objection to be valid, it must be filed with the Court or postmarked and mailed to the Settlement Administrator no later than 60 days after the Notice Commencement Date, and include each and all of the following:

- a. the objector's full name and address;
- b. the case name and docket number;
- c. 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 the objector's settlement notice, copy of original notice of the Data Incident, or a statement explaining why the objector believes he or she is a Settlement Class Member);
- d. a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable;
- e. the identity of any and all counsel representing the objector in connection with the objection;
- f. a statement whether the objector and/or his or her counsel will appear at the Final Approval Hearing; and
- g. the objector's signature or the signature of the objector's duly authorized attorney or other duly authorized representative (if any) representing him or her in connection with the objection.

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

Litigation 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 requested exclusion from the Class. The persons and entities who timely and validly requested 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 Defendant 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 Settled Claims against Defendant.

15. The Court reserves the right to adjourn the date of the Final Approval Hearing without further notice to the potential Settlement 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 Settlement Class.

IT IS SO ORDERED.



Judge Victor Haddad
Clermont County Court of Common Pleas