

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

NANCY BALZER, PATRICIA BARCLAY,
MICHELLE FIX, JASON GORDON, DAVID A.
HOOVER, SHAWNTE MONIQUE
MCDOWELL, DONNA M. ORLANDO-
MARTIN, GRACE SHERK, CHLOE WRIGHT,
ROY EVERETT YAX, DAWN PENDRAK,
MICHAEL GURR, LEE HOLDSWORTH,
LINDA JONES and ALONZO EMERY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

SERVICEAIDE, INC.,

Defendant.

Index No.: 625615/2025

Motion Seq. No. 1

~~PROPOSED~~ PRELIMINARY APPROVAL ORDER

WHEREAS, Plaintiffs, individually, and on behalf of the Settlement Class, and Defendant have agreed, subject to Court approval, to settle this Action upon the terms and conditions stated in the Agreement;

WHEREAS, Plaintiffs have made an application, pursuant to Article 9 of the Civil Practice Law and Rules, for an order preliminarily approving the Settlement in accordance with the Settlement Agreement, certifying the Settlement Class for purposes of the Settlement only, appointing Plaintiffs as Class Representatives, appointing Class Counsel as counsel for the Settlement Class, appointing Kroll Settlement Administration LLC as Settlement Administrator, and allowing Notice to be sent to Settlement Class Members as more fully described herein;

WHEREAS, the Court has read and considered: (a) Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, and the papers filed and arguments made in connection therewith; and (b) the Settlement Agreement and exhibits attached thereto; and

WHEREAS, unless otherwise defined herein, the capitalized terms herein shall have the same meanings as those defined in Section II of the Settlement Agreement.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. **Class Certification for Settlement Purposes Only:** For settlement purposes only and pursuant to CPLR § 903, the Court certifies, solely for purposes of effectuating the proposed Settlement, a Settlement Class in this matter defined as follows:

All living individuals residing in the United States whose Private Information was impacted in the Data Incident.

The Settlement Class specifically excludes (a) directors, officers, and employees of Defendant; (b) the Judge assigned to the Action, that Judge's immediate family, and Court staff; and (c) any Settlement Class Member who timely and validly opted out of the Settlement.

2. **Settlement Fund:** The Settlement provides for a non-reversionary \$1,800,000.00 common cash Settlement Fund for the benefit of the Settlement Class Members that Defendant shall cause to be paid under the Settlement. The Settlement Fund will be used to pay all Settlement Class Member Benefits; Settlement Administration Costs; any Court-approved attorneys' fees and costs to Class Counsel; and any Court-approved Service Awards to Plaintiffs for serving as the Class Representatives. The Settlement Fund will be created and funded subject to the terms of the Settlement.

3. **Settlement Class Findings:** The Court finds, ^{preliminarily,} for purposes of settlement only, and without any adjudication on the merits, that the prerequisites for certifying the Action as a class

action under C.P.L.R. §§ 901 and 902 have been satisfied, and that the Court will likely certify at the Final Approval stage a Settlement Class.

4. In particular, pursuant to C.P.L.R. § 901, the Court finds that: (a) the number of Settlement Class Members is so numerous that joinder is impracticable; (b) there are questions of law and fact that predominate over any questions affecting only individual members of the Settlement Class; (c) the claims of the proposed Class Representatives are typical of the claims of the Settlement Class; (d) the proposed Class Representatives and Class Counsel have and will fairly and adequately represent the interests of the Settlement Class; and (e) a class action is superior to other available methods for fairly and efficiently adjudicating the Action taking into consideration: (i) the lack of evidence of any intent among the Settlement Class Members to individually control the prosecution of separate actions; (ii) the Parties' not being aware of any other litigation concerning the controversy already begun by Settlement Class Members other than the proposed Class Representatives; (iii) the small value of the claims of many of the individual Settlement Class Members making the pursuit of individual actions cost prohibitive for most Settlement Class Members; and (iv) the similarity of the Settlement Class Members' claims involving substantially identical proofs.

5. **Class Representatives and Class Counsel:** Nancy Balzer, Patricia Barclay, Michelle Fix, Jason Gordon, David A. Hoover, Shawnte Monique McDowell, Donna M. Orlando-Martin, Grace Sherk, Chloe Wright, Roy Everett Yax, Dawn Pendrak, Michael Gurr, Lee Holdsworth, Linda Jones, and Alonzo Emery are hereby provisionally designated and appointed as the Class Representatives. The Court provisionally finds that the Class Representatives are similarly situated to absent Settlement Class Members and therefore typical of the Class and that they will be adequate Class Representatives.

The Court finds that Jeff Ostrow of Kopelowitz Ostrow, P.A., Raina Borrelli of Strauss Borrelli PLLC, Gary M. Klinger of Milberg PLLC, and Scott Cole of Cole & Van Note are experienced and adequate counsel and are hereby provisionally designated as Settlement Class Counsel.

6. **Preliminary Settlement Approval:** The Court hereby preliminarily approves the Settlement, as embodied in the Settlement Agreement, as being fair, reasonable and adequate to the Settlement Class, subject to further consideration at the Final Approval Hearing to be conducted as described below.

7. **Final Approval Hearing:** A Final Approval Hearing shall be held on September 16, 2026 at 10:00 ^{in person} ~~a.m./p.m., [by videoconference]~~ for the following purposes: (a) to determine whether the proposed Settlement, on the terms and conditions provided for in the Settlement, is fair, reasonable, and adequate, and should be approved by the Court; (b) to determine whether an order of final judgment should be entered dismissing the Action on the merits and with prejudice; (c) to determine whether the proposed plan of allocation and distribution of the Settlement Fund is fair and reasonable and should be approved; (d) to determine whether any requested award of attorneys' fees and costs to Class Counsel and Service Awards to the Class Representatives should be approved; and (e) to consider any other matters that may properly be brought before the Court in connection with the Settlement. The Court may elect to hold the Final Approval Hearing ^{Teams} virtually by ~~Zoom~~ or some other application, and if it does, the instructions on how to attend shall be posted by the Settlement Administrator on the Settlement Website.

8. The Court may adjourn the Final Approval Hearing without further notice to the Settlement Class Members, and may approve the proposed Settlement with such modifications as the Parties may agree to, if appropriate, without further notice to the Settlement Class Members.

9. **Approval of Settlement Administrator and Manner of Giving Notice:**

Kroll Settlement Administration LLC is authorized to supervise and administer the Notice procedure in connection with the proposed Settlement as well as the processing of Claims as set forth more fully in the Settlement Agreement. In advance of the Final Approval Hearing, the Settlement Administrator shall prepare a declaration for the Parties confirming that the Notice Program was completed in accordance with the terms of the Agreement and this Preliminary Approval Order, describing how the Notice Program was completed, indicating the number of Claim Forms received, providing the names of each individual in the Settlement Class who timely and properly requested to opt-out from the Settlement Class, indicating the number of objections received, and other information as may be necessary to allow the Parties to seek and obtain Final Approval.

10. **Approval of Form and Content of Notice:** The Court (a) approves, as to form and content, the Email Notice, the Postcard Notice, the Longform Notice, and the Claim Form, attached to the Settlement Agreement as Exhibits 1, 2, 3, 4 and (b) finds that the mailing and distribution of the Notice as set forth in the Settlement Agreement (i) is the best notice practicable under the circumstances; (ii) constitutes notice that is reasonably calculated, under the circumstances, to apprise the Settlement Class Members of the pendency of the Action, of the effect of the proposed Settlement (including the releases to be provided thereunder), of Class Counsel's request for attorneys' fees and costs, of Class Representatives' requests for Service Awards, of their right to object to the Settlement, of their right to exclude themselves from the Settlement Class, and of their right to appear at the Final Approval Hearing; (iii) constitutes due, adequate and sufficient notice to all persons entitled to receive notice of the proposed Settlement; and (iv) satisfies the requirements of CPLR § 904, the United States Constitution (including the Due Process Clause),

and all other applicable law and rules. The date and time of the Final Approval Hearing shall be included in the Notice before they are mailed and distributed.

9. **Participation in the Settlement:** Settlement Class Members who qualify for and wish to submit a Claim Form shall do so in accordance with the requirements and procedures specified in the Notice and the Claim Form, and must do so within 15 days before the initial scheduled Final Approval Hearing. If Final Approval Order is entered, all Settlement Class Members who qualify for any benefit under the Settlement but fail to submit a claim in accordance with the requirements and procedures specified in the Notice and the Claim Form shall be forever barred from receiving any such benefit, but will in all other respects be subject to and bound by the provisions in the Settlement Agreement, the Releases included in the Settlement Agreement, and the Final Approval Order.

10. **Claims Process and Distribution Plan:** The Court preliminarily approves the Claims process described in the Settlement Agreement and directs that the Settlement Administrator effectuate the distribution of Settlement consideration according to the terms of the Settlement Agreement, should the Settlement be finally approved.

11. **Exclusion from Class:** Settlement Class Members who wish to opt-out of the Settlement and exclude themselves from participation may do so by submitting timely and valid requests at any time before the Opt-Out Deadline (30 days before the original date of the Final Approval Hearing). The process to opt-out is set forth in the Settlement Agreement and in the Notice. Settlement Class Members who opt-out shall have no rights under the Settlement, shall not share in any Settlement Class Member Benefits, and shall not be bound by the Settlement or by any Final Approval Order approving the Settlement.

12. All Settlement Class Members who do not submit a timely, written request for

exclusion in the manner set forth in the Notice and Settlement Agreement shall be bound by any Final Approval Order and final judgment entered, even if such Settlement Class Members never received actual notice of this Action or the Settlement. If Final Approval of the Settlement is granted, they shall be barred, now and in the future, from asserting any of the Released Claims, as defined in the Settlement Agreement, against any Released Parties as defined in the Agreement.

13. **Objections:** Settlement Class Members who wish to object to the Settlement and/or to Class Counsel's Application for Attorneys' Fees, Costs and Service Awards shall file any objections pursuant to the requirements set forth in the Settlement Agreement. To be considered, the objection must be filed and served on or before the Objection Deadline and include: (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 number of times the objector has objected to a class action settlement within the five years preceding the date that the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders related to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each listed case; (d) 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, and Service Awards, and whether they will appear at the Final Hearing; (e) 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 on the objection issued by the trial and appellate courts in each such listed case; (f) whether the objector and/or objector's counsel

will appear at the Final Approval Hearing; (g) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any); (h) a statement confirming whether the objector or his counsel intend to testify and/or argue at the Final Approval Hearing; and (i) the objector's signature (an attorney's signature is not sufficient). Class Counsel and/or Defendant's Counsel may conduct limited discovery on any objector or objector's counsel, including taking depositions and propounding document requests.

14. **Objections to the Settlement and/or the Application for Attorneys' Fees, Costs and Service Awards** must be filed with the Court, and sent by U.S. Mail to Class Counsel, Defendant's Counsel, and the Settlement Administrator. For an objection to be considered by the Court, the objection must be submitted no later than the Objection Deadline (30 days before the original date of the Final Approval Hearing), as specified in the Notice. If submitted by mail, an objection shall be deemed to have been submitted when posted if received with a postmark date indicated on the envelope if mailed first-class postage prepaid and addressed in accordance with the instructions. If submitted by private courier, an objection shall be deemed to have been submitted on the shipping date reflected on the shipping label.

15. **Motion for Final Approval and Application for Attorneys' Fees, Costs, and Service Awards:** Class Counsel intends to seek an award of up to one-third of the Settlement Fund as attorneys' fees, as well as reimbursement of reasonable litigation costs, and Service Awards of \$2,500.00 for each Class Representative to be paid from the Settlement Fund. These amounts appear reasonable, but the Court will defer ruling on those awards until the Final Approval Hearing when considering Class Counsel's Application for Attorneys' Fees, Costs, and Service Awards.

16. Class Counsel shall file their Motion for Final Approval and Application for Attorneys' Fees, Costs, and Service Awards no later than 45 days before the initial date set for the

Final Approval Hearing. At the Final Approval Hearing, the Court will hear argument on Class Counsel's request for attorneys' fees and costs and Service Awards for the Class Representatives. In the Court's discretion, the Court also will hear argument at the Final Approval Hearing from any Settlement Class Members (or their counsel) who object to the Settlement or to the Application for Attorneys' Fees, Costs, and Service Awards, provided the objector(s) submitted timely objections that meet all of the requirements listed in the Settlement and in this Order.

17. **Termination of Settlement.** This Order shall become null and void and shall be without prejudice to the rights of the Parties, all of whom shall be restored to their respective positions existing as of the date of the execution of the Settlement Agreement if the Settlement is not finally approved by the Court or is terminated in accordance with the Settlement Agreement. In such event, the Settlement and Settlement Agreement shall become null and void and be of no further force and effect, and neither the Settlement Agreement nor the Court's orders, including this Order, relating to the Settlement shall be used or referred to for any purpose whatsoever.

18. **Use of Order:** This Order shall be of no force or effect if the Final Approval Order is not entered or there is no Effective Date and shall not be construed or used as an admission, concession, or declaration by or against Defendant of any fault, wrongdoing, breach, liability, or the certifiability of any class. Nor shall this Order be construed or used as an admission, concession, or declaration by or against the Class Representatives or any other Settlement Class Member that his or her claim lacks merit or that the relief requested is inappropriate, improper, unavailable, or as a waiver by any Party of any defense or claim he, she, or it may have in this litigation or in any other lawsuit.

19. **Stay of Proceedings and Temporary Injunction:** Until otherwise ordered by the Court, the Court stays all proceedings in the Action other than proceedings necessary to carry out


or enforce the terms and conditions of the Settlement Agreement. Pending final determination of whether the Settlement should be approved, the Court bars and enjoins Plaintiffs, and all other Settlement Class Members, from commencing or prosecuting any and all of the Released Claims against the Released Entities.

20. The Court retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

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

Notice Program Begins	Within 30 days after Preliminary Approval Order (on or before June 22, 2026)
Notice Program Complete	45 ⁶⁰ days before initial scheduled Final Approval Hearing date (July 17, 2026)
Deadline to file Motion for Final Approval and Application for Attorneys' Fees, Costs, and Service Awards	45 days before initial scheduled Final Approval Hearing date (August 3, 2026)
Opt-Out Deadline	30 days before initial scheduled Final Approval Hearing date (August 17, 2026)
Objection Deadline	30 days before initial scheduled Final Approval Hearing date (August 17, 2026)
Deadline to Submit Claim Forms	15 days before initial scheduled Final Approval Hearing date (September 1, 2026)
Final Approval Hearing	September 16, 2026, at 10:00am

IT IS SO ORDERED, this the 21st day of May, 2026.



Hon. Lisa A. Cairo, J.S.C.