

STATE OF INDIANA)
)
COUNTY OF TIPPECANOE)

IN THE TIPPECANOE SUPERIOR COURT NO. 1

CAUSE NO. 79D01-2403-PL-00032

IN RE: VALLEY OAKS DATA INCIDENT
LITIGATION

This Document Relates To: All Actions

PRELIMINARY APPROVAL ORDER

Joel Milligan, Catherine Buckland, Trishia Stetler, Shane High, Rebecca Loeffler, Jason Smith, and Branden Floyd (collectively, “Plaintiffs”), on behalf of themselves and the proposed Settlement Class (as defined below) and Valley Oaks Health, Inc. (“Defendant”), have entered into a proposed Class Action Settlement Agreement and Release (the “Settlement”).¹ Plaintiffs have moved the Court to grant preliminary approval to the Settlement under Indiana Rule of Trial Procedure 23(E), to approve the form and method for giving notice of the proposed Settlement to the Settlement Class, and to schedule a final approval hearing on the Settlement after the deadlines to object to, or opt out of, the Settlement have passed. The requested relief is not opposed by Defendant.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. **Jurisdiction.** This Court has jurisdiction over the subject matter of this lawsuit and jurisdiction over the Plaintiffs and Defendant (the “Parties”).

¹Terms capitalized herein and not otherwise defined shall have the meanings ascribed to them in the Settlement.

2. **Certification of the Settlement Class.** The Court finds that the proposed Settlement Class, defined as follows, meets the requirements for class certification for purposes of notice and settlement under Trial Rules 23(A) and (B)(3):

All Persons whose Private Information was potentially compromised as a result of the Incident and who are included on the Settlement Class List.²

The Settlement Class specifically excludes: (i) the Judge assigned to evaluate the fairness of this Settlement, Court personnel and any members of their immediate families; (ii) Valley Oaks, and any entity in which Valley Oaks Health, Inc. has a controlling interest, is a parent or subsidiary, or which is controlled by Valley Oaks, and the affiliates, legal representatives, attorneys, heirs, predecessors, successors and assigns of Valley Oaks; and (iii) any other person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Incident or who pleads nolo contendere to any such charge.

Specifically, the Court finds that the requirements of Indiana Trial Rules 23(A) and 23(B)(3) are met:

- a. **Numerosity.** The Settlement Class is so numerous that joint of all members is impracticable as there are thousands of Settlement Class Members;
- b. **Commonality.** There are questions of law or fact common to the class based upon the claims raised in the lawsuit relating to the Incident that predominate over questions affecting only individual members, including whether Defendant breached any duty in failing to protect class members' data from unauthorized access;
- c. **Typicality.** The claims of the Plaintiffs are typical of the claims of the Settlement Class as they arise from the same Incident;
- d. **Adequacy.** The Plaintiffs and Class Counsel will fairly and adequately protect the interests of the Settlement Class, as the Plaintiffs have no interests antagonistic to the Settlement Class and Class Counsel are experienced in complex class action litigation;

² Private Information” means, collectively, PII and/or PHI, as defined in the Settlement. The “Incident” is the data incident described in the Complaint that occurred between June 8, 2023, and June 13, 2023. The “Settlement Class List” is the list generated by Defendant containing the full names and last known addresses of the Settlement Class Members.

- e. **Predominance.** Questions of law or fact common to the Settlement Class Members predominate over any questions affecting only individual members, as the predominant questions all relate to the Incident that involved the Settlement Class Members; and
- f. **Superiority.** A class action is superior to other available methods for the fair and efficient adjudication of the controversy, as a multitude of suits would be inefficient.

3. **Appointment of Class Representatives.** The Court finds that Plaintiffs are adequate representatives of the Settlement Class and appoints each as a Class Representative.

4. **Appointment of Class Counsel.** The Court likewise finds Lynn A. Toops of the law firm of CohenMalad, LLP to be competent and appoints her as Class Counsel.

5. **Preliminary Approval of the Settlement.** The Court finds that the terms of the Settlement are within the range of a fair, reasonable, and adequate compromise under the circumstances of this case, considering the relevant factors set forth in *Hefty v. All Other Members of the Certified Settlement Class*, 680 N.E.2d 843, 851–52 (Ind. 1997):

- (a) the strength of the Plaintiffs’ case on the merits measured against the terms of the settlement;
- (b) the complexity, length, and expense of continued litigation;
- (c) the degree of opposition to the Settlement;
- (d) the benefit of the Settlement to the Class Representatives and Class Counsel compared to the benefit of the Settlement to Settlement Class Members;
- (e) the opinion of competent counsel as to the reasonableness of the settlement; and
- (f) the stage of the proceedings and the amount of discovery completed.

The Court therefore preliminarily approves the Settlement and directs the parties to the Settlement to perform and satisfy the terms and conditions that are triggered by such preliminary approval.

6. **Approval of Notice.** The Court likewise approves the form and method of notice provided for in the Settlement and finds that it complies with Indiana Trial Rule 23(C)(2) and the

requirements of Due Process. Specifically, the Court finds that the form and method of notice (a) will constitute the best practicable notice to the Settlement Class; (b) is reasonably calculated, under the circumstances, to apprise Settlement Class Members of the pendency of the litigation, the terms of the proposed Settlement, and their rights under the proposed Settlement, including, but not limited to, their rights to object to or exclude themselves from the proposed Settlement; (c) is reasonable and constitutes due, adequate, and sufficient notice to all Settlement Class Members. The Court further finds that the notice provided for in the Settlement is written in plain language, uses simple terminology, and is designed to be readily understandable by Settlement Class Members.

7. **Appointment of the Settlement Administrator.** The Court appoints Simpluris, Inc., as Settlement Administrator and orders the Settlement Administrator and the parties to implement the notice program set forth in the Settlement.

8. **Right to Opt-Out.** Members of the Settlement Class shall be afforded an opportunity to request exclusion from the Settlement Class and the Settlement. A request for exclusion from the Settlement Class must comply with the requirements for form and timing set forth in the Long Form Notice included in the Settlement. Members of the Settlement Class who submit a timely and valid request for exclusion shall not participate in and shall not be bound by the Settlement. Members of the Settlement Class who do not timely and validly opt out of the Class in accordance with the Long Form Notice shall be bound by all determinations and judgments in the action concerning the Settlement.

9. **Right to Object.** Settlement Class Members who have not excluded themselves shall be afforded an opportunity to object to the terms of the Settlement. Any objection must comply with the requirements for form and timing set forth in the Long Form Notice included in

the Settlement. Any Settlement Class Member who does not make his or her objection known in the manner provided in the Long Form Notice shall be deemed to have waived such objection and shall forever be foreclosed from making any objection to the fairness or adequacy of the proposed Settlement. Any request for intervention in this action for purposes of commenting on or objecting to the Settlement must meet the requirements set forth above, including the deadline for filing objections, and also must be accompanied by any evidence, briefs, motions, or other materials the proposed intervenor intends to offer in support of the request for intervention. Any lawyer intending to appear at the Final Approval Hearing must be authorized to represent a Class Member, must be duly admitted to practice law before this Court, and must file a written appearance. Copies of the appearance must be served on Class Counsel and counsel for Defendant.

10. **Termination of the Settlement.** If the Settlement does not become effective or is rescinded pursuant to its terms, the Settlement and all proceedings had in connection therewith shall be without prejudice to the status quo ante rights of the Class Representatives and Defendant, and all orders issued pursuant to the Settlement shall be vacated.

11. **Final Approval Hearing.** A final approval hearing shall be held before the undersigned in Superior Court No. 1 December 10, 2026 at 2:00 p.m. at the Tippecanoe County Courthouse, 301 Main Street, Lafayette, IN 47901, or via video or teleconference, for the purpose of: (a) determining whether the Settlement Class should be finally certified for entry of judgment on the Settlement; (b) determining whether the Settlement Agreement is fair, reasonable, and adequate and should be finally approved; (c) determining whether a Final Approval Order should be entered; and (d) considering Class Counsel's application for an award of attorneys' fees and expenses. The Court may adjourn, continue, and reconvene the Final Approval Hearing pursuant to oral announcement without further notice to the Class, and the

Court may consider and grant final approval of the Settlement, with or without minor modification and without further notice to the Class.

12. **Jurisdiction Retained.** The Court retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

SO ORDERED.

Dated: August 10, 2026



Hon. Kevin McDaniel, Judge
Tippecanoe Superior Court No.1

Distribution: All counsel of record.