

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

**MARY JANE WHALEN and CHRISTINE
V. RONA**, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

**GUNSTER, YOAKLEY &
STEWART, PA**

Defendant.

Case No. 25-CA-000550

**AGREED PRELIMINARY APPROVAL ORDER GRANTING THE PLAINTIFFS’
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

This matter is before the Court for consideration of whether the Settlement reached by the Parties should be preliminarily approved, the proposed Settlement Class preliminarily certified, and the proposed plan for notifying the Settlement Class approved. Having reviewed the proposed Settlement, together with its exhibits, and based upon the relevant papers and all prior proceedings in this matter, the Court has determined the proposed Settlement satisfies the criteria for preliminary approval, the proposed Settlement Class should be preliminarily certified, and the proposed notice plan approved.¹ The Parties agree with the relief afforded by this Agreed Preliminary Approval Order in response to the Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement. Accordingly, good cause appearing in the record, **IT IS HEREBY ORDERED THAT:**

¹ Unless otherwise indicated, capitalized terms used herein have the same meaning as in the Settlement.

Provisional Certification of The Settlement Class

(1) The Court provisionally certifies the following Settlement Class:

All persons residing in the United States whose Personal Information was compromised, accessed, exfiltrated, or otherwise impacted by the Data Breach. The Settlement Class specifically excludes: (i) Gunster, any Entity in which Gunster has a controlling interest, and individuals who at any time since November 27, 2022 served as Gunster directors or officers; (ii) any judge, justice, or judicial officer presiding over the Action and the members of their immediate families and judicial staff; and (iii) any individual who timely and validly opts out of the Settlement.

This Settlement Class is provisionally certified for purposes of settlement only.

(2) The Court has subject matter jurisdiction pursuant to Fla. Stat. §§ 26.012 and 86.011 and personal jurisdiction over the Parties before it. Additionally, venue is proper in this Court pursuant to Fla. Stat. §§ 47.011 and 47.051.

(3) Pursuant to Florida Rule of Civil Procedure 1.220(d), the Court finds that giving notice is justified. The Court finds that it will likely be able to approve the Settlement as fair, reasonable, and adequate. The Court also finds that it will likely be able to certify the Settlement Class for purposes of judgment on the Settlement because it meets all of the requirements of Rule 1.220(a) and the requirements of Rule 1.220(b)(3). Specifically, the Court finds for settlement purposes that: a) the Settlement Class is so numerous that joinder of all Settlement Class Members would be impracticable; b) there are issues of law and fact that are common to the Settlement Class; c) the claims of the Settlement Class Representatives are typical of and arise from the same operative facts and seek similar relief as the claims of the Settlement Class Members; d) the Settlement Class Representatives will fairly and adequately protect the interests of the Settlement Class as the Settlement Class Representatives have no interest antagonistic to or in conflict with the Settlement Class and have retained experienced and competent counsel to prosecute this matter on behalf of the Settlement Class; e) questions of law or fact common to Settlement Class Members

predominate over any questions affecting only individual members; and f) a class action and class settlement is superior to other methods available for a fair and efficient resolution of this controversy.

(4) The Court finds that the Plaintiffs, Mary Jane Whalen and Christine V. Rona will likely satisfy the requirements of Rule 1.220(a)(4) and should be designated and appointed as the Settlement Class Representatives.

(5) John A. Yanchunis of Morgan & Morgan and Brian Murray of Glancy, Prongay & Murray LLP are designated as Class Counsel as they will likely satisfy the requirements of Rule 1.220(a)(4).

Preliminary Approval of the Proposed Settlement

(6) Upon preliminary review, the Court finds the proposed Settlement is fair, reasonable, and adequate, otherwise meets the criteria for approval, and warrants issuance of notice to the Settlement Class. In making this determination, the Court has considered the benefits to the Settlement Class, the specific risks faced by the Settlement Class in prevailing on Plaintiffs claims, the stage of the proceedings at which the Settlement was reached, the effectiveness of the proposed method for distributing relief to the Settlement Class, the proposed manner of allocating benefits to Settlement Class Members, and all of the other factors required by Rule 1.220. Accordingly, the proposed Settlement is preliminarily approved.

Final Approval Hearing

(7) A Final Approval Hearing shall take place before the Court on August 13, 2025, at 1:30 p.m at 800 E Twiggs St, Edgecomb Courthouse, Tampa, FL 33602 Courtroom #502, 13th Judicial Circuit Court of Florida to determine, among other things, whether: (a) the proposed Settlement Class should be finally certified for settlement purposes pursuant to Fla. R. Civ. P.

1.220(a) and (b)(3); (b) the Settlement should be finally approved as fair, reasonable and adequate and, finally approved; (c) Settlement Class Members should be bound by the releases set forth in the Settlement; (d) This action should be dismissed with prejudice pursuant to the terms of the Settlement Agreement; and (e) the application of Class Counsel for an award of attorney's fees, costs, and expenses should be approved. Any other matters the Court deems necessary and appropriate will also be addressed at the hearing. The hearing may be re-scheduled without further notice to the class.

(8) Class Counsel shall submit their application for Attorneys' Fees and Expenses no later than May 29, 2025.

Administration

(9) Verita Global, LLC ("Verita") f/k/a KCC Class Action Services, LLC is appointed as the Settlement Administrator, with responsibility for collecting, reviewing, determining the validity of, and processing all claims submitted by Settlement Class Members, and all other obligations of the Settlement Administrator as set forth in the Settlement. All Administration and Notice Costs incurred by the Settlement Administrator will be paid out of the Settlement Fund, as provided in the Settlement.

Notice to the Class

(10) The Notice Plan (Ex. D), along with the Claim Form, Long Notice Form, and Short Notice, attached to the Settlement as Exhibits A, C, and F, respectively, satisfy the requirements of due process and Florida law and are hereby approved. Non-material modifications to these exhibits may be made without further order of the Court. The Settlement Administrator is directed to carry out the Notice Plan and to perform all other tasks that the Settlement requires.

(11) The Court finds that the proposed form, content, and method of giving notice to the Settlement Class as described in the Notice Plan, Short Notice, Long Notice, and Claim Form: (a) constitute the best practicable notice to the Settlement Class; (b) are reasonably calculated, under the circumstances, to apprise Settlement Class Members of the pendency of the action, the terms of the proposed Settlement, and their rights under the proposed Settlement; (c) are reasonable and constitute due, adequate, and sufficient notice to those persons entitled to receive notice; and (d) satisfy all applicable requirements of due process and Florida law. The Court further finds that the notice is written in plain language, uses simple terminology, and is designed to be readily understandable by Settlement Class Members.

The Settlement Administrator is directed to carry out the Notice Plan in conformance with the Settlement Agreement.

Exclusions from the Class

(12) Any individual that wishes to be excluded from the Settlement must submit a written notification of such intent either electronically or by United States mail to the designated address established by the Settlement Administrator, postmarked or submitted electronically no later than July 3, 2025. The written notification must include the name of this Action (*Whalen v. Gunster, Yoakley & Stewart, PA*, Case No. 25-CA-000550 (Fla. 13th Cir. Ct.)); the full name and address of the individual seeking exclusion from the Settlement; be personally signed by the individual seeking exclusion; include a statement in the body of the document clearly indicating the individual's intent to be excluded from the Settlement; and request exclusion only for that one individual whose personal signature appears on the request. To submit electronically, individuals requesting exclusion should prepare the written notification as required above and scan an image or take a photo of the written notification and attach it to an e-mail to the Settlement Administrator.

Any individual who does not submit a valid and timely request for exclusion in the manner described herein shall be bound by the Settlement, including all releases and covenants therein, as well as all subsequent proceedings, orders, and judgments applicable to the Settlement Class.

(13) All individuals who submit valid and timely requests for exclusion from the Settlement shall not: (i) be bound by any orders or judgments entered in connection with the Settlement; (ii) be entitled to any relief under, or be affected by, the Settlement; (iii) gain any rights by virtue of the Settlement; or (iv) be entitled to object to any aspect of the Settlement.

(14) The Settlement Administrator shall provide the parties with copies of all requests for exclusion promptly upon receipt, a weekly report which includes a summary of the number of requests for exclusion, and, by July 11, 2025, a final list of all that have timely and validly excluded themselves from the Settlement Class in accordance with the terms of the Settlement and herein. Prior to the Final Approval Hearing, the Settlement Administrator shall also prepare and execute a declaration identifying each individual who timely and validly requested exclusion from the Settlement.

Objections to the Settlement

(15) A Settlement Class Member that complies with the requirements of this Order may object to the Settlement.

(16) No Settlement Class Member shall be heard, and no papers, briefs, pleadings, or other documents submitted by any Settlement Class Member shall be received and considered by the Court, unless a written objection is submitted to the Court on or before July 3, 2025. For the objection to be considered by the Court, the written objection must include:

- a. the case name and number of the Action (*Whalen v. Gunster, Yoakley & Stewart, PA*, Case No. 25-CA-000550 (Fla. 13th Cir. Ct.));

- b. the name, address, and telephone number of the objecting Settlement Class Member and, if represented by counsel, of his/her counsel;
- c. a statement of whether the objection applies only to the objector, to a specific subset of the class, or to the entire class;
- d. a statement of the specific grounds for the objection; and
- e. a statement identifying whether the objecting Settlement Class Member intends to appear at the Final Approval Hearing, and if so, whether personally or through counsel.

(17) In addition to the foregoing requirements, if an objecting Settlement Class Member intends to speak at the Final Approval Hearing (whether *pro se* or through an attorney), the written objection must include a detailed description of any evidence the objecting Settlement Class Member may offer at the Final Approval Hearing, as well as copies of any exhibits the objecting Settlement Class Member may introduce at the Final Approval Hearing.

(18) A written notice of objection may be either: (1) electronically filed in the Action's electronic docket on or before the Objection Deadline; or (2) sent via first class, postage-prepaid United States Mail, postmarked no later than the Objection Deadline to: (a) the Clerk of Court; (b) Class Counsel; and (c) Defendant's Counsel at the addresses listed below:

Clerk of Court:	Defendant's Counsel:	Class Counsel:
Clerk of Court 800 Twiggs Street, Edgecomb Courthouse Tampa, Florida 33602	Kristine M. Brown Donald Houser ALSTON & BIRD LLP 1201 West Peachtree Street NW Suite 4900 Atlanta, GA 30309-3424	John A. Yanchunis MORGAN & MORGAN COMPLEX LITIGATION GROUP 201 North Franklin Street 7th Floor Tampa, FL 33602 Brian Murray GLANCY PRONGAY & MURRAY LLP 230 Park Avenue, Suite 358 New York, NY 10169

(19) Any Settlement Class Member who fails to object to the Settlement in the manner described herein shall be deemed to have waived any such objection, shall not be permitted to object to any terms or approval of the Settlement at the Final Approval Hearing, and shall be precluded from seeking any review of the Settlement or the terms of this Order by appeal or any other means.

Claims Process and Distribution Plan

(20) The Settlement establishes a process for assessing and determining the validity and value of claims and a methodology for paying Settlement Class Members that submit a timely, valid Claim Form. The Court preliminarily approves this process.

(21) Settlement Class Members that qualify for and wish to submit a claim shall do so in accordance with the requirements and procedures specified in the Settlement, including the requirements and procedures in the Claim Form. If the Settlement is finally approved, all Settlement Class Members that qualify for any benefit under the Settlement, but who fail to submit a claim in accordance with the requirements and procedures specified in the Settlement, including the requirements and procedures in the Claim Form, shall be forever barred from receiving any such benefit. Such Class Members, however, will in all other respects be subject to and bound by the provisions of the Settlement, including the releases included in the Settlement, and the Final Approval Order and Judgment.

Termination of the Settlement and Use of this Order

(22) This Order shall become null and void and shall be without prejudice to the rights of the Parties, all of which shall be restored to their respective positions existing immediately before this Court entered this Order, if the Settlement is not finally approved by the Court, the Settlement is terminated in accordance with its terms, or there is no Effective Date. In such event,

the Settlement shall become null and void and be of no further force and effect, and neither the Settlement (including any Settlement-related filings) nor the Court's orders, including this Order, relating to the Settlement shall be used or referred to for any purpose whatsoever.

(23) If the Settlement is not finally approved by the Court, the Settlement is terminated in accordance with its terms, or there is no Effective Date, then this Order shall be of no force or effect; shall not be construed or used as an admission, concession, or declaration by or against Gunster or any Gunster Persons of any fault, wrongdoing, breach, or liability; shall not be construed or used as an admission, concession, or declaration by or against any Settlement Class Representative or any other Settlement Class Member that his or her claims lack merit or that the relief requested is inappropriate, improper, unavailable; and shall not constitute a waiver by any party of any defense (including without limitation any defense to class certification) or claims he or she may have in this Action or in any other lawsuit.

Stay of Proceedings

(24) Except as necessary to effectuate this Order, this matter and any deadlines set by the Court in this matter are stayed and suspended pending the Final Approval Hearing and issuance of the Final Approval Order and Judgment, or until further order of this Court.

Continuance of Final Approval Hearing

(25) The Court reserves the right to adjourn or continue the Final Approval Hearing and related deadlines without further written notice to the Settlement Class. If the Court alters any of those dates or times, the revised dates and times shall be posted on the website maintained by the Settlement Administrator.

Actions By Settlement Class Members

(26) The Court stays and enjoins, pending Final Approval of the Settlement, any actions,

lawsuits, or other proceedings brought by Settlement Class Members against Gunster or any Gunster Persons related to the Data Breach.

Summary of Deadlines

(27) The Settlement, as preliminarily approved in this Order, shall be administered according to its terms pending the Final Approval Hearing. Deadlines arising under the Settlement and this Order include but are not limited to the following:

ACTION	DEADLINE
Notice Date	May 4, 2025
Motion for Attorneys' Fees and Expenses	May 29, 2025
Claims Deadline	August 2, 2025
Opt-Out / Exclusion Deadline	July 3, 2025
Objection Deadline	July 3, 2025
Final Approval Brief and Response to Objections Due	July 9, 2025
Final Approval Hearing	August 13, 2025 at 1:30 PM

IT IS SO ORDERED this 6 day of March, 2025.

Electronically Conformed 3/6/2025
Christine Marlewski

The Honorable Christine A. Marlewski
Circuit Court Judge