

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	
)	
LOUISE PREVOST, PAUL)	Civil Action No. 2021-CP-10-01754
FREDERICK, AMY RICHARDSON,)	
JANE DOE #1, JANE DOE #2, and)	
JANE DOE #3, Individually and on)	ORDER GRANTING PRELIMINARY
behalf of all others similarly situated,)	APPROVAL OF CLASS ACTION
)	SETTLEMENT
Plaintiff,)	
)	
vs.)	
)	
ROPER ST. FRANCIS)	
HEALTHCARE,)	
Defendant.)	

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 Roper St. Francis Healthcare. After reviewing Plaintiffs’ unopposed request for preliminary approval, 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,¹ including the proposed notice plan and forms of notice to the Class, the appointment of Plaintiffs Louise Prevost, Paul Frederick, Amy Richardson, Heidi Roemer, Betty Smalls and Elizabeth Peterson as the Class Representatives, the appointment of Class Counsel for Plaintiffs and the Class, the approval of Kroll Settlement Administration, LLC 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

¹ All capitalized terms used in this Order shall have the same meanings as set for in the Settlement Agreement.

adequate, subject to further consideration at the Fairness Hearing described below.

2. The Court does hereby preliminarily and conditionally approve and certify, for settlement purposes, the following Class:

The approximately 190,000 individuals who were notified that their personally identifiable information and/or personal health information may have been exposed to unauthorized third parties as a result of the Data Incident experienced by Roper on or around October 2020.²

3. Based on the information provided: the Class is ascertainable; it consists of roughly 190,000 Class Members satisfying numerosity; there are common questions of law and fact including whether Defendant allegedly failed to implement and maintain reasonable security procedures and practices appropriate to the nature and scope of the information compromised in the Data Incident, satisfying commonality; the proposed Class Representatives' claims are typical in that they are members of the Class and allege they have been damaged by the same conduct as the other members of the Class; and the proposed Class Representatives and Class Counsel fully, fairly, and adequately protect the interests of the Class.

4. The Court appoints Plaintiffs Louise Prevost, Paul Frederick, Amy Richardson, Heidi Roemer, and Elizabeth Peterson as the Class Representatives.

5. The Court appoints Anastopoulo Law Firm, LLC, Slotchiver & Slotchiver LLP, Halversen & Halversen, LLC, The Richter Firm, LLC, Solomon Law Group, LLC and Milberg Coleman Bryson Phillips Grossman PLLC as Class Counsel for the Class.

6. The Court appoints Kroll Settlement Administration, LLC as the Settlement Administrator.

7. A Final Approval Hearing shall be held before the Court on May 2, 2024 at 9:30

² "Data Incident" shall mean the cybersecurity incident against Roper St. Francis Healthcare giving rise to the Action.

am for the following purposes:

- a. To determine whether the proposed Settlement is fair, reasonable, and adequate to the Class and should be approved by the Court;
- b. To determine whether to grant Final Approval, as defined in the Settlement Agreement;
- c. To determine whether the notice plan conducted was appropriate;
- d. To determine whether the claims process under the Settlement is fair, reasonable and adequate and should be approved by the Court;
- e. To determine whether the requested Class Representative Service Awards of \$1,500 each, and Class Counsel's combined attorneys' fees and expenses of up \$515,000 should be approved by the Court;
- f. To determine whether the settlement benefits are fair, reasonable, and adequate; and,
- g. To rule upon such other matters as the Court may deem appropriate.

8. The Court approves, as to the form and content, the Notices (including the Postcard Notice). 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 presented in the exhibits to the Motion for Preliminary Approval of Class Action Settlement, and finds that such notice plan meets the requirements of S.C. R. Civ. P. 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 Settlement Timeline for the purposes of conducting the notice plan, settlement administration, claims processing, and other execution of the proposed Settlement:

SETTLEMENT TIMELINE

<u>From Order Granting Preliminary Approval</u>	
Defendant provides list of Class Members to the Settlement Administrator	+14 days after preliminary approval order
Long and Short Notices Posted on the Settlement Website	Upon Notice Date
Notice Date	+45 days after preliminary approval order
Notice Completion Date	+15 days after Notice Date
Counsel's Motion for Attorneys' Fees, Reimbursement of Litigation Expenses, and Class Representative Service Awards	-14 days before the Opt-Out and Objection Deadlines
Objection Deadline	+60 days after Notice Date
Opt-Out Deadline	+60 days after Notice Date
Settlement Administrator Provide List of Objections/Exclusions to the Parties' counsel	+70 days after objection/opt-out deadline
Claims Deadline	+90 days after Notice Date
<u>Final Approval Hearing</u>	
	May 2, 2024
Motion for Final Approval	-14 days from the Final Approval Hearing
<u>From Order Granting Final Approval</u>	
Effective Date	+31 days, assuming no appeal has been taken.
Payment of Attorneys' Fees and Expenses Class Representative Service Awards	+30 days after Effective Date
Payment of Claims to Class Members	+30 days of Effective Date
Settlement Website Deactivation	+90 days after Effective Date

10. In order to be a timely claim under the Settlement, a Claim Form must be either postmarked or received by the Settlement Administrator no later than 90 days after the Notice 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 received by the Settlement Administrator no later than 60 days after the Notice 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. Opt-Out notices shall not be rejected simply because they were inadvertently sent to the Court or Class Counsel so long as they are timely postmarked or received by the Court, Kroll, or Class Counsel. Class Members 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 S.C. R. Civ. P. 23, which is modeled after Federal Rule of Civil Procedure 23(e). For an Objection to be valid, it must be filed with the Court within 60 days of the Notice Date and include each and all of the following:

- (i) the objector’s full name, address, telephone number, and e-mail address (if any);
- (ii) information identifying the objector as a Settlement Class Member;
- (iii) a written statement of all grounds for the objection, accompanied by any legal support the objector cares to submit;
- (iv) the identity of all lawyers (if any) representing the objector;
- (v) the identity of all of the objector’s lawyers (if any) who will appear at the Final Fairness Hearing;
- (vi) a list of all persons who will be called to testify at the Final Fairness Hearing in support of the objection;
- (vii) a statement confirming whether the objector intends to personally appear and/or testify at the Final Fairness Hearing; and
- (viii) the objector’s signature or the signature of the objector’s duly authorized lawyer or other duly authorized representative.

- (ix) In addition to the foregoing, objections should also provide the following information: (a) a list, by case name, court, and docket number, of all other cases in which the objector (directly or through a lawyer) has filed an objection to any proposed class action settlement within the last three (3) years and (b) a list, by case number, court, and docket number, of all other cases in which the objector has been a named plaintiff in any class action or served as a lead plaintiff or class representative his/her full name, address, and current telephone number.

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. Any Class Member objecting to the Settlement agrees to submit to any discovery related to the Objection.

13. All Settlement Class Members shall be bound by all determinations and judgments in this Action 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 request exclusion from the Class. The persons and entities who timely and validly request 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 Roper St. Francis Healthcare in this Action.

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 Released Claims against Roper St. Francis Healthcare.

15. The Court reserves the right to adjourn the date of the Fairness Hearing without

further notice to the potential 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 Class.

AND IT IS SO ORDERED.

[Electronic Signature Page to Follow]



Charleston Common Pleas

Case Caption: Louise Prevost , plaintiff, et al VS Roper St Francis Healthcare

Case Number: 2021CP1001754

Type: Order/Approval Of Settlement

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134