

**IN THE CIRCUIT COURT FOR
PUTNAM COUNTY AT
COOKEVILLE, TENNESSEE**

<p>NIKITA JULIEN, KIMBERLY GARNSEY, MARY ADAMS, and TROY COLLINS, individually, and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CASH EXPRESS, LLC,</p> <p style="text-align: center;">Defendant</p>	<p style="text-align: right;">Filed <u>6-27-23</u> Time <u>10:46</u> <u>AM</u> Jennifer Wilkerson, Clerk By <u>[Signature]</u> D.C.</p> <p>CASE NO. 2022-CV-221</p> <p style="text-align: center;">JURY TRIAL DEMANDED</p>
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**AGREED ORDER GRANTING MOTION FOR
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 Cash Express, LLC ("Cash Express"). 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 Settlement Class, the appointment of Plaintiffs Nikita Julien, Kimberly Garnsey, Mary Adams, and Troy Collins as the Class Representatives, the appointment of Class Counsel for Plaintiffs and the Settlement Class, the approval of Epiq Class Action & Claims Solutions, Inc. as

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

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 and certify, for settlement purposes, the following Settlement Class:

the individuals identified on the Defendant's Settlement Class List whose certain personal information may have been involved in the Data Incident. Excluded from the Settlement Class are: (1) the judge presiding over this Action, and members of her direct families; (2) the Defendant, its subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest and their current or former officers, directors, and employees; and (3) Settlement Class Members who submit a valid Request for Exclusion prior to the Opt-Out Deadline.²

3. For purposes of settlement, based on the information provided: the Settlement Class is ascertainable; it consists of roughly 106,000 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 information compromised in the Incident, satisfying commonality; the proposed Class Representatives' claims are typical in that they are members of the Settlement Class and allege that they have been damaged by the same conduct as the other members of the Settlement Class; the proposed Class Representatives and Class Counsel fully, fairly, and adequately protect the interests of the Settlement 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 Action.

² "Data Incident" or "Incident" shall mean the cyberattack on Cash Express' network between January 29, 2022 and February 6, 2022 giving rise to the Litigation.

4. The Court appoints Plaintiffs Nikita Julien, Kimberly Garnsey, Mary Adams, and Troy Collins as the Settlement Class Representatives.

5. The Court appoints J. Gerard Stranch, IV of Stranch, Jennings, & Garvey PLLC; Terence R. Coates and Justin C. Walker of Markovits, Stock & DeMarco, LLC; Carl V. Malmstrom of Wolf Haldenstein Adler Freeman & Herz LLC; Gary Klinger of Milberg Coleman Bryson Phillips Grossman PLLC; and Jean S. Martin of Morgan & Morgan as Class Counsel.

6. The Court appoints Epiq Class Action & Claims Solutions, Inc. as the Settlement Administrator.

7. A Final Approval Hearing shall be held before the Court on November 9, 2023 for the following purposes:

- a. To determine whether the proposed Settlement is fair, reasonable, and adequate to the Settlement 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 as 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 Counsel's combined attorneys' fees, of up to 1/3 of the Settlement Fund (\$283,333.33), and litigation expenses up to \$15,000.00, 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 Short

Form 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 Tennessee Rules of Civil Procedure 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>Grant of Preliminary Approval</u>	
Settlement Administrator provides W-9 to Cash Express	+5 days after Preliminary Approval Order
Cash Express provides list of Settlement Class Members to the Settlement Administrator	+7 days after Preliminary Approval
Long Form and Short Form Notices Posted on the Settlement Website	+14 days after Preliminary Approval
Notice Deadline	+37 days after Preliminary Approval
Reminder Notice	+60 days after Notice Date
Class Counsel's Motion for Attorneys' Fees and Expenses	+46 days after Notice Date
Objection Deadline	+60 days after Notice Deadline
Exclusion Deadline	+60 days after Notice Deadline
Claims Deadline	+90 days after Notice Deadline
Settlement Administrator Provide List of Objections/Exclusions to the Court and Settlement Administrator	+70 days after Notice Deadline
Initially Approved Claims List	+35 days after Claims Deadline
Initially Rejected Claims List	+35 days after Claims Deadline
Parties' Challenge to Any Claims	+ 35 days from Initially Approved Claims List
<u>Final Approval Hearing</u>	
	+150 days after Preliminary Approval Order (at minimum)
Motion for Final Approval	-14 days before Final Approval Hearing Date

Settlement Administrator Provide Notice of Opt-Outs and/or Objections	-14 days before Final Approval Hearing Date
<u>Final Approval</u>	
Effective Date	+35 days after Final Approval Order
Payment of Attorneys' Fees and Expenses and Class Representative Service Awards	+30 days after 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 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, Epiq Class Action & Claims Solutions, Inc., 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 Tennessee Rule of Civil Procedure 23(e)(5). 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 name of the proceeding;
- (ii) the Settlement Class Member’s full name, current mailing address, and telephone

- number;
- (iii) a statement of the specific grounds for the objection, as well as documents supporting the objection;
 - (iv) the identity of any attorneys representing the objector;
 - (v) a statement regarding whether the Settlement Class Member (or his/her attorney) intends to appear at the Final Approval Hearing;
 - (vi) a statement identifying all class action settlements objected to by the Settlement Class Member in the previous five (5) years; and
 - (vii) the signature of the Settlement Class Member or the Settlement Class Member's attorney.

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.

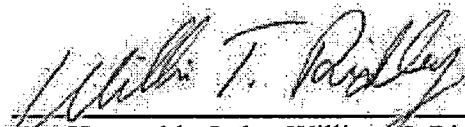
13. All Settlement Class Members shall be bound by all determinations and judgments in this Action concerning the Settlement, including, but not limited to, the release provided for in the Settlement Agreement, whether favorable or unfavorable, except those who timely and validly request exclusion from the Settlement Class. The persons and entities who timely and validly request exclusion from the Settlement Class will be excluded from the Settlement 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 Cash Express in this Action.

14. Pending final determination of whether the Settlement Agreement should be approved, Plaintiffs and the Settlement Class are barred and enjoined from commencing or

prosecuting any claims asserting any of the Released Claims against Cash Express.

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 this 27th day of June, 2023.



The Honorable Judge William F. Ridley
Thirteenth Judicial District
Circuit Court of Putnam County
State of Tennessee

AGREED AND APPROVED FOR ENTRY:

June 26, 2023

/s/ J. Gerard Stranch, IV

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**pro hac vice applications forthcoming*

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