

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

In Re: Medical Informatics
Engineering, Inc., Customer Data
Security Breach Litigation
(MDL 2667)

Case No.: 3:15-MD-2667
This order applies to all cases

This Document Relates to All Cases

FINAL ORDER AND JUDGMENT

A final hearing was held on January 30, 2020, following notice in accordance with the Order Granting Preliminary Approval of Class Action Settlement and Approving Notice Program (the “Preliminary Approval Order”). The Court, having considered all matters submitted to it at the final approval hearing and finding no just reason for delay, ORDERS AND DECREES as follows:

1. The Stipulation and Agreement of Settlement [Doc. No. 175-1] filed July 30, 2019 and its Exhibits (the “Settlement Agreement”) and the definition of words and terms contained therein are incorporated by reference and are used hereafter. The terms and definitions of this court’s Preliminary Approval Order [Doc. No. 179] are also incorporated by reference in this Final Approval Order and Judgment.

2. This court has jurisdiction over the subject matter of the Action and over the Parties, including all Settlement Class Members with respect to the following Class certified under Rules 23(a) and 23(b)(3):

All persons whose personal or medical information was compromised by the Medical Informatics Engineering, Inc. Data Breach.

Excluded from the Class are those persons identified on Appendix A to this Order, who submitted timely requests to be excluded from the Settlement.

3. The court finds that the Settlement Agreement is the product of arm's length settlement negotiations between the Parties facilitated by a third-party neutral mediator.

4. The court finds and concludes that Class Notice was disseminated to persons in the Settlement Class in accordance with the terms of the Settlement Agreement and as approved by the Court.

5. The court further finds and concludes that the Class Notice and claims submission procedures set forth in the Settlement Agreement fully satisfy Rule 23 of the Federal Rules of Civil Procedure and the requirements of due process, were the best means of providing notice practicable under the circumstances, provided due and sufficient individual notice to all persons in the Settlement Class who could be identified through reasonable effort and support the court's exercise of jurisdiction over the Settlement Class as contemplated in the Settlement Agreement and this Final Approval Order and Judgment.

6. The court finds that the terms of the Settlement Agreement constitute, in all respects, a fair, reasonable, and adequate settlement as to all Settlement Class Members in accordance with Rule 23 of the

Federal Rules of Civil Procedure, and GRANTS the Plaintiffs' Motion for Final Approval of the Class Action Settlement [Doc. No. 187].

7. The court orders the Parties to comply with and implement the terms of the Settlement Agreement in all respects.

8. On final approval of this settlement (including, without limitation, the exhaustion of any judicial review, or requests for judicial review, from this Final Approval Order and Judgment), the Plaintiffs and each and every one of the Settlement Class Members (excluding those persons identified in Appendix A to this Order) unconditionally, fully and finally release and forever discharge the Released Parties from the Released Claims.

9. The named Plaintiffs in the Action initiated this lawsuit, acted to protect the Class, and assisted their counsel. Their efforts have produced the Agreement entered into in good faith that provides a fair, reasonable, adequate and certain result for the Class. Plaintiffs are each entitled to, and are hereby authorized to be paid, a service award of \$1,000 from the Settlement Fund, which is fair and reasonable under the circumstances. Likewise, Class Counsel adequately served the Class and obtained a favorable result for the Class through the Settlement. The court finds that the payment by Medical Informatics Engineering, Inc. of \$1,000,000.00, in addition to the Settlement Fund, for attorneys' fees and costs is fair and reasonable, and, without objection, GRANTS Plaintiffs' Fee and

Expense Application and Request for Approval of Service Awards [Doc. No. 184].

10. There being no just reason for delay, the Clerk is directed to enter, in each of the individual cases in this Multidistrict Litigation docket, judgment APPROVING the Settlement Agreement (including the service awards to each of the named plaintiffs), and AWARDING fees and costs to the Plaintiffs in the amount of \$1,000,000.00.

SO ORDERED.

ENTERED: January 30, 2020

/s/ Robert L. Miller, Jr.
Judge, United States District Court

APPENDIX A – EXCLUSIONS

MARY A BARNES
RHODA BIANCHI
JOHN ELIJAH BLEVINS
OLEN E BOLLENBACHER
CYNTHIA BRANAM
TRACY BRANAM
REINHOLD LAUREN BRANAM
JUDITH BRIGGS
ASHLEY COPPOLA
LINDA L CURTIS
KAREN DEAK
CHRISTOPHER DIXON
ABBY DUNNING
JERRY L EADS
TIA C EASTERLY
ADYLYN ALYCE FIGLEY
RONALD T FINE
KAREN GERBER
DONALD GIBSON

MICHAEL GLEN PENTICUFF
DEBORAH PERDUE
DEBORAH PISTON-HATLEN
ANDREW REDMOND
JANICE RICHARDS
LORI RIEHL
BARBARA ROBINSON
PATRICIA ANN ROWLAND
ROBERT M ROWLAND
JOYCE SCHMICK
ADA K SCHMUCKER
KANOSHIA R SCHMUCKER
NOLA SCHNEIDER
SCOTT K SCHNEIDER
BENJAMIN W SCHWARTZ
CARLTON M SCHWARTZ
DARLENE M SCHWARTZ
GARY SCHWARTZ
MARY SCHWARTZ

PHILIP GINDI
PRESKELLA GINDI
JOSEPH GIROD
SUSANN GIROD
FELIX GORNEY
LAURA M GRABER
LINDA R GRABER
LORETTA S GRABER
MARYLOU GRABER
MERVIN H GRABER
MERVIN J GRABER
HOWARD GRAVEN
MERRILL HATLEN
CESAR HENRIQUEZ
TESSA HORAN
ANITA LENGACHER
PATRICIA LINZEL
ELI H MENSING
MARY ANN MILLER
ADAM MORSE
CHERYL MORSE
RANDALL MORSE
LARRY NICHOLS
EMMA OLSEN

RALPH SEXTON
CATHY SHADE
KENT SICHEL
ELEONORE STONE
SUSIE STRAKOS
KEVIN TALBOT
ANN MARIE TAYLOR
ROBIN VIDRIO
CONNIE WALKER
PATSY WEAVER
ELMER E WICKEY
LAWAYNE L WICKEY
RACHAEL G WICKEY
NONA WIDNER
KENDALL K WILSON
PHYLLIS A WILSON
LUTHER WOODS
CALEB YODER
PHYLLIS J ZERKLE
RUI ZHU