

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE ONIX GROUP, LLC DATA BREACH
LITIGATION**

CIVIL ACTION

NO. 23-2288-KSM

ORDER

AND NOW, this 14th day of June, 2024, upon consideration of Plaintiffs' unopposed motion for preliminary approval of the class action settlement (Doc. Nos. 29, 35, 37, 42, 43), the Court finds as follows:

1. Plaintiffs' motion is **GRANTED** for the reasons set forth in the accompanying Memorandum.
2. For settlement purposes only, the Court certifies the following settlement class pursuant to Federal Rules of Procedure 23(a) and 23(b)(3):
 - a. All 308,942 natural persons whose Private Information was compromised in the Data Breach and who have not been confirmed to be deceased. Excluded from the Settlement Class are: (1) the Judges presiding over the Action and members of their immediate families and their staff; (2) Onix, its subsidiaries, parent companies, successors, predecessors, and any entity in which Onix or its parents, have a controlling interest, and its current or former officers and directors; (3) natural persons who properly execute and submit a Request for Exclusion prior to the expiration of the Opt-Out Period; and (4) the successors or assigns of any such excluded natural person.
3. The Court preliminarily **APPROVES** the Settlement set forth in the Settlement Agreement (Doc. No. 43-1), which appears to be the product of serious, informed, and arm's-length negotiations between the Parties and appears to be fair, adequate, and

reasonable to the Settlement Class so as to fall within the range of possible final approval.

4. The Court approves the proposed form and content of the Claim Form (Doc. No. 43-2), short-form notice (Doc. No. 43-3), and long-form notice (Doc. No. 43-4) and orders the Parties to proceed with dissemination of the notice as provided in the Settlement Agreement (*see* Doc. No. 43-1). The Court finds that the proposed process for providing notice to the Class as set forth in the Settlement Agreement fulfills the requirements of Federal Rule of Civil Procedure 23(c)(2)(B) and due process, provides the best notice practicable under the circumstances, and will provide adequate notice to all Class members.
5. Plaintiffs Eric Meyers, Donald Owens, Aida Albina Wimbush, Ashtyn Mark, Leah Simione, Melissa Lyston, and Angela Haynie are appointed to act as representatives of the Class pursuant to Rule 23 of the Federal Rules of Civil Procedure.
6. The following attorneys are appointed as class counsel pursuant to Rule 23 of the Federal Rules of Civil Procedure:

Benjamin F. Johns, Esquire
Shub & Johns LLC
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
Conshohocken, PA 19428
(610) 477-8380

Gary M. Klinger, Esquire
Milberg Coleman Bryson Phillips Grossman PLLC
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
(866) 252-0878
7. The Angeion Group, LLC is appointed as the Settlement Administrator.
8. By **September 3, 2024**, Class Counsel shall file with the Court any motion for attorneys' fees and costs and any motion for a service award for class representatives.

9. By **September 3, 2024**, Class Counsel shall file papers in support of final approval of the settlement agreement and response to any written objections. If they choose to do so, Defendant may file papers in support of the final settlement agreement by this date.
10. Defendant shall provide the Settlement Administrator a list of the names and contact information for the class members that it has in its possession, custody or control no later than **June 24, 2024**.
11. The Settlement Administrator shall administer notice to the Class as defined in the Settlement Agreement no later than **July 19, 2024**.
12. Class members shall complete and submit a claim indicating which settlement benefit option they prefer by **October 17, 2024**.
13. All opt-out requests and objections shall be due by **September 17, 2024**. Class members may not both object and opt out. In the event a class member both objects and opts out, the request to opt out will control.
14. Class members may opt out of the settlement by mailing a written letter to Class Counsel containing the following information:
 - a. The class member's full name.
 - b. The class member's address.
 - c. The class member's phone number.
 - d. The following statement, or a statement to a similar effect: "I/We hereby request to be excluded from the proposed Settlement Class in *In re Onix Group, LLC Data Breach Litigation*, Case No. 23-2288-KSM."
15. Class members may only opt themselves out; they may not opt out other class members,

nor may a representative (such as an attorney) submit an opt out request on a class member's behalf.

16. Class counsel shall retain all opt out requests and file these requests with the Court under seal on or before **September 27, 2024**.

17. The Settlement Agreement shall not bind any class members who elect to opt out.

18. Class members who wish to object to the settlement must mail a written objection to Class Counsel and to the Court.¹ The objection must include the following information:

- a. The objector's full name.
- b. The objector's address.
- c. The objector's phone number.
- d. Proof that the objector is a member of the Settlement Class.
- e. The reasons the objector objects to the proposed settlement agreement, including any factual or legal basis for objection.
- f. All counsel representing the objector, if any.
- g. A list, including case name, court, and docket number, of all other cases in which the objector's counsel has filed an objection in any proposed class action settlement in the past five years.
- h. A statement regarding whether the objector intends to appear at the Final Approval Hearing.
- i. The objector's signature.

19. A Final Approval Hearing is scheduled for **November 20, 2024 at 10:30 a.m.** in

¹ To submit a written objection to the Court, the objector can address mail to Clerk, United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106, submit an objection in-person with the Clerk of Court, or file objections electronically through the Court's Electronic Claims Filing system.

Courtroom 16-B of the James A. Byrne United States Courthouse, 601 Market Street,
Philadelphia, PA.

IT IS SO ORDERED.

/s/ Karen Spencer Marston

KAREN SPENCER, MARSTON, J.