

CAUSE NO. 342-339562-23

**SCOTT KAETHER, individually and on
behalf of all others similarly situated,**

Plaintiff,

v.

**METROPOILITAN AREA EMS
AUTHORITY D/B/A MEDSTAR MOBILE
HEALTHCARE**

Defendant.

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

342ND JUDICIAL DISTRICT

**[PROPOSED] ORDER
GRANTING FINAL APPROVAL OF CLASS SETTLEMENT**

Before the Court is Plaintiff’s Unopposed Motion requesting that the Court enter an Order granting final approval of the class action Settlement involving Plaintiff Scott Kaether, individually and on behalf of all others similarly situated (“Plaintiff” or “Settlement Class Representative”), and Defendant Metropolitan Area EMS Authority D/B/A/ Medstar Mobile Healthcare (“Medstar” or “Defendant”) as fair, reasonable and adequate.

Having reviewed and considered the Settlement Agreement and the motion for final approval of the settlement, and having conducted a Final Approval Hearing, the Court makes the following findings and grants the relief set forth below approving the Settlement upon the terms and conditions set forth in this Final Order and Judgment.

THE COURT not being required to conduct a trial on the merits of the case or to determine with certainty the factual and legal issues in dispute when determining whether to approve a proposed class action settlement; and

THE COURT makes the findings and conclusions hereinafter set forth for the limited purpose of determining whether the Settlement should be approved as being fair, reasonable,

adequate under Rule 42 of the Texas Rules of Civil Procedure, and in the best interests of the Settlement Class;

IT IS ON THIS 22 day of ~~April~~ ^{March}, 2024,

ORDERED that:

1. The Settlement does not constitute an admission of liability by Defendant, and the Court expressly does not make any finding of liability or wrongdoing by Defendant.

2. Unless otherwise noted, words spelled in this Order with initial capital letters have the same meaning as set forth in the Settlement Agreement.

3. On October 26, 2023, this Court entered an Order which among other things: (a) approved the Notice to the Settlement Class, including approval of the form and manner of notice under the Notice Program set forth in the Settlement Agreement; (b) provisionally certified a settlement class and settlement subclass in this matter, including defining the class, appointed Plaintiff as the Settlement Class Representative, and appointed Settlement Class Counsel; (c) preliminarily approved the Settlement; (d) set deadlines for opt-outs and objections; (e) approved and appointed the Claims Administrator and (f) set the date for the Final Approval Hearing.

4. In the Order Granting the Motion for Preliminary Approval of Class Settlement Agreement, for settlement purposes only, the Court certified the Settlement Class, defined as follows:

“All persons whose Health Insurance Information was potentially compromised as a result of the cyberattack that MedStar discovered in or about October 2022.”

The Court also Certifies the following Subclass:

“All persons whose medical information protected by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and other protected health information potentially compromised as

a result of the cyberattack that MedStar discovered in or about October 2022.”

5. The Court, having reviewed the terms of the Settlement Agreement submitted by the parties, grants final approval of the Settlement Agreement and finds that the settlement is fair, reasonable and adequate and meets the requirements of the laws of the state of Texas.

6. Notice of the Final Approval Hearing, the proposed motion for attorneys’ fees, costs and expenses, and the proposed Enhancement Award payment to Plaintiff have been provided to Settlement Class Members as directed by this Court’s Orders, and an affidavit or declaration of the Settlement Administrator’s compliance with the Notice Program has been filed with the Court.

7. The Court finds that such Notice as therein ordered, constitutes the best possible notice practicable under the circumstances and constitutes valid, due and sufficient notice to all Settlement Class Members.

8. As of the final date of the Opt-Out Period, 5 potential Settlement Class Members have submitted a valid Opt-Out Request to be excluded from the Settlement. The names of those persons are set forth in Exhibit 7 to the Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Notice Plan and Notices. Those persons are not bound by this Final Order and Judgment, as set forth in the Settlement Agreement.

9. The Court has considered all the documents filed in support of the Settlement, and has fully considered all matters raised, all exhibits and affidavits filed, all evidence received at the Final Approval Hearing, all other papers and documents comprising the record herein, and all oral arguments presented to the Court.

10. Further to the Settlement Agreement, Plaintiff and the Settlement Class Members release claims against Defendant and all Released Persons, as defined in the Settlement Agreement, as follows:

“Released Claims” shall mean any and all claims, demands, actions, or causes of action that each Class member has, had, or may ever have, now or in the future, known or unknown, arising out of or in any way related to the Incident and/or Released Parties’ recordkeeping or data security policies and practices, whether or not those claims, demands, actions, or causes of action have been pleaded or otherwise asserted, including any and all damages, losses, or consequences thereof

Released Claims shall not include the right of any Settlement Class Member or any of the Released Persons to enforce the terms of the Settlement contained in this Settlement Agreement and shall not include the claims of those persons identified in Attachment 7 to the Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Notice Plan and Notices, who have timely and validly requested exclusion from the Settlement Class.

11. On the Effective Date and in consideration of the promises and covenants set forth in this Settlement Agreement, (i) Plaintiff and each Settlement Class Member, and each of their respective spouses with claims on behalf of the Settlement Class Member, executors, representatives, guardians, wards, heirs, estates, successors, predecessors, next friends, co-borrowers, co-obligors, co-debtors, legal representatives, attorneys, agents, and assigns, and all those who claim through them or who assert claims (or could assert claims) on their behalf (including the government in the capacity as *parens patriae* or on behalf of creditors or estates of the releasors), and each of them (collectively and individually, the “Releasing Persons”), and (ii) Settlement Class Counsel and each of their past and present law firms, partners, or other employers, employees, agents, representatives, successors, or assigns will be deemed to have, and by operation

of the Final Order and Judgment shall have, fully, finally, completely and forever released and discharged the Released Persons from the Released Claims.

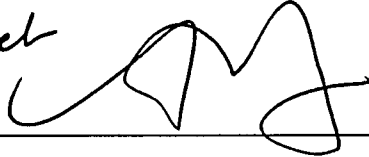
12. The matter is hereby dismissed with prejudice and without costs except that the Court reserves jurisdiction over the consummation and enforcement of the Settlement.

13. This Final Order and Judgment resolves all claims against all parties in this Action and is a final order.

14. There is no just reason to delay the entry of final judgment in this matter, and the Clerk is directed to file this Order as the final judgment in this matter.

SO ORDERED this 22 day of April, 2024.

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Status as of 3/22/2024 4:49 PM CST

Associated Case Party: SCOTTKAETHER

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Alexander Wolf		awolf@milberg.com	3/22/2024 4:43:40 PM	SENT

Associated Case Party: THEMETROPOLITAN AREA EMS AUTHORITY

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