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**IN THE SUPERIOR COURT
FOR THE COUNTY OF CONTRA COSTA**

JOHN DOE, by and through JANE DOE,
and ULYSSES NAVARRO on behalf of
themselves and all others similarly situated,

Plaintiff,

v.

CLINIVATE, LLC,

Defendant.

Civil Action No. C22-01620

Assigned to: Hon. Charles S. Treat

**[PROPOSED] FINAL APPROVAL
ORDER**

Hearing Date: August 29, 2024

Time: 9:00 a.m.

THIS MATTER HAVING come before this Court for an Order certifying the Settlement Class and approving a settlement between Plaintiffs, John Doe by and through Jane Doe and Ulysses Navarro, Defendant, Clinivate, LLC (“Defendant”), and this Court having reviewed the Settlement Agreement and attachments thereto (“Agreement”), executed by the Parties, and submitted to the Court with the Unopposed Motion for Final Approval of Class Action Settlement (“Motion”);

IT IS HEREBY ORDERED as follows:

1. This Final Approval Order incorporates the Agreement, and the terms used herein shall have the meanings and/or definitions given to them in the Agreement, as submitted to the Court with the Motion.
2. The Court finds that it has jurisdiction over the Action and each of the Parties for purposes of settlement and asserts jurisdiction over the Class Plaintiffs, all Settlement Class Members, and Defendant for purposes of considering and effectuating this Settlement. The Court also finds that each member of the proposed Settlement Class has standing to seek relief.
3. Defendant does not oppose the Court’s entry of the proposed Final Approval Order or Class Counsel’s request for fees, costs, and expenses.
4. This Court has considered all of the presentations and submissions related to the

1 Motion and, having presided over and managed this Action, is familiar with the facts, contentions,
2 claims, and defenses as they have developed in these proceedings, and is otherwise fully advised
3 of all relevant facts

4 5. For purposes of the settlement and this Order, the Settlement Class is defined as:
5 “all individuals within the United States whose PHI/PII was exposed to unauthorized persons as a
6 result of the data breach occurring on Clinivate’s computer system between March 12, 2022 and
7 March 21, 2022.” Excluded from the Class are the Judge presiding over this action, the Judge’s
8 immediate family, and the Court staff, as well as those members of the Class who opt-out from the
9 settlement pursuant to the procedures set forth in the Agreement and this Final Approval Order.

10 6. The Court hereby finds that the individuals identified in the Declaration of Cameron
11 R. Azari, Attachment 5, have validly opted-out of the settlement, and are not bound by the
12 remaining paragraphs of this Order.

13 7. The Court finds that Plaintiffs John Doe by and through Jane Doe and Ulysses
14 Navarro have fairly and adequately represented the interests of the Class in enforcing their rights
15 in the action and reaffirms their appointment as the class representatives.

16 8. The Court reaffirms the appointment as Class Counsel the law firms of Meyer
17 Wilson Co., LPA and Cole & Van Note.

18 9. The Court finds that Epiq abided by the terms and conditions of the Agreement that
19 pertain to the Clams Administrator, and has provided appropriate notice to all members of the
20 Settlement Class.

21 10. Pursuant to Cal. Ct. R. 3.769(g), the Court finds that the settlement is fair,
22 reasonable, adequate and equitable to all members of the Settlement Class.

23 11. The Court hereby finds that the Settlement is a reasonable and appropriate
24 compromise value pursuant to *Kullar v. Foot Locker Retail, Inc.*, 168 Cal. App. 4th 116, 129-30
25 (2008).

26 12. The Court hereby finds that Plaintiffs’ Counsel’s Request for Fees, in the amount of
27 \$242,157.02, and Costs, in the amount of \$14,842.98, is reasonable, and hereby awards those
28 amounts to Class Counsel.

1 13. The court hereby finds that the requested incentive awards to Class Representatives,
2 in the amount of \$3,500 each, is reasonable and hereby awards those amounts to the Class
3 Representatives.

4 14. For these reasons, the Court grants final approval of the Settlement. The Parties shall
5 effectuate the Settlement Agreement according to its terms. The Settlement Agreement and every
6 term and provision thereof shall be deemed incorporated herein as if explicitly set forth and shall
7 have the full force of an Order of this Court.

8 15. By the mutual agreement of the Parties, in order for the Settlement Administrator to
9 finalize review deficient claims prior to distributing funds to Class Members, the Court sets
10 **October 14, 2024**, as the deadline for the Settlement Administrator to make distributions to Class
11 Members.

12 16. Upon the Effective Date, the Settlement Class Members shall have, by operation of
13 this Final Approval Order, fully, finally and forever released, relinquished, and discharged the
14 Released Parties from all Released Claims pursuant to the Settlement Agreement.

15 17. Settlement Class Members are hereby permanently barred and enjoined from
16 instituting, commencing, or prosecuting, either directly or in any other capacity, any Released
17 Claim against any of the Released Parties.

18 18. This Final Approval Order, the Settlement Agreement, the Settlement which it
19 reflects, and any and all acts, statements, documents, or proceedings relating to the Settlement are
20 not, and shall not be construed as or used as, an admission by or against Defendant or any other
21 Released Party of any fault, wrongdoing, or liability on their part, or of the validity of any Released
22 Claim or of the existence or amount of damages.

23 19. Without affecting the finality of this Final Order or the Final Judgment for purposes
24 of appeal, the Court retains jurisdiction as to all matters related to the administration,
25 consummation, enforcement, and interpretation of the Settlement Agreement and this Final Order
26 and accompanying Final Judgment, and for any other necessary purpose.

27 20. The claims of the Class Plaintiffs and all Settlement Class Members in this case are
28 hereby dismissed in their entirety with prejudice, and this matter should be closed.

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IT IS SO ORDERED

Dated: _____

The Honorable Charles S. Treat