

STATE OF INDIANA)	IN THE LAKE COUNTY CIRCUIT COURT
) SS:	
COUNTY OF LAKE)	CAUSE NO. 45C01-1911-CT-001201
		Judge Marissa McDermott
JAMES JONES, SAMANTHA L. GORDON,)	
GERALDINE SHERWOOD, MARGARET)	
JOHNSON, and STANA SHESTO,)	
individually and on behalf of all others)	
similarly situated,)	Filed in Open Court
)	March 7, 2022
Plaintiffs,)	LAKE CIRCUIT COURT
)	MM
v.)	
)	
THE METHODIST HOSPITALS, INC.,)	
)	
Defendant.)	

PRELIMINARY APPROVAL ORDER

Plaintiffs and Defendant, by their respective counsel, have submitted a Class Action Settlement Agreement and have moved under Trial Rule 23 for an order (1) certifying a Class for purposes of settlement; (2) granting preliminary approval to the Class Action Settlement Agreement (the “Settlement”); (3) approving and directing notice of the proposed Settlement to the Class; (4) establishing deadlines for Class members to object to or exclude themselves from the Settlement; and (5) scheduling a final approval hearing. The Court has given due consideration to the terms of the Settlement, the submissions in support of preliminary approval of the Settlement, and the record of proceedings, and now finds that the proposed Settlement should be preliminarily approved pending notice to the Class members and a final hearing on whether the Settlement is a fair, reasonable, and adequate compromise.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. Terms capitalized herein and not otherwise defined shall have the meanings ascribed to them in the Settlement.
2. This Court has jurisdiction over the subject matter of this lawsuit and jurisdiction over the Plaintiffs and Defendant in the above-captioned case (the “Parties”).
3. The Court finds that for the purposes of settlement and notice the requirements of Rule 23(A) and 23(B)(3) of the Indiana Rules of Trial Procedure have been met, specifically:
 - a. The class is so numerous that joinder of all members is impracticable, as there are thousands of class members;
 - b. There are questions of law or fact common to the class based upon the claims raised in the lawsuit;
 - c. The Plaintiffs’ claims are typical of the claims of the class;
 - d. The Plaintiffs and Class Counsel will fairly and adequately protect the interests of the class;
 - e. Questions of law and fact common to the class members predominate over any questions affecting only individual members, and a class action is superior to other available methods for fairly and efficiently adjudicating this lawsuit.

The Court therefore **CERTIFIES** the following Plaintiff Class:

All residents of Indiana who:

- (a) received health services from Defendant;
- (b) had information present in the relevant emails at the time of the Unauthorized Access;
- (c) were offered access to credit monitoring and identity theft protection service for 24 months at no cost; and
- (d) are not affiliates, legal representatives, attorneys, heirs, assigns, officers, directors, or employees of Defendant or any entity in which Defendant has a controlling interest.

4. The Court finds that the terms of the Settlement are within the range of a fair, reasonable, and adequate settlement between the Class and Defendant under the circumstances of this case. The Court therefore preliminarily approves the Settlement and directs the parties to the Settlement to perform and satisfy the terms and conditions of the Settlement that are triggered by such preliminary approval.

5. The proposed notices of the Settlement in the forms tendered to the Court, and the manner of distribution of such Notice by email, mail, and posting to the Settlement website, are hereby approved as the best notice practicable to the Class. The form and manner of notice complies with Rule 23 of the Indiana Rules of Trial Procedure and the requirements of Due Process.

6. Pursuant to Rule 23 of the Indiana Rules of Trial Procedure, a final approval hearing (the “Final Approval Hearing”) shall be held before the undersigned at 10:30 a.m. Central Time, on June 13, 2022, at the Lake Circuit

Court, 2293 N. Main St., Courtroom B203, Crown Point, IN 46307 for the purpose of: (a) determining whether the Settlement is fair, reasonable, and adequate and should be finally approved; (b) determining whether a Final Approval Order should be entered; and (c) considering Class Counsel's application for an award of attorneys' fees pursuant to Rule 23 of the Indiana Rules of Trial Procedure. The Court may adjourn, continue, and reconvene the Final Approval Hearing pursuant to oral announcement without further notice to the Class, and the Court may consider and grant final approval of the Settlement, with or without minor modification and without further notice to the Class.

7. The Court approves Defendant's retention of Epiq Class Action and Claims Solutions, Inc. as the Settlement Administrator. The Settlement Administrator shall cause notice to be provided to the Class in accordance with the Settlement Agreement no later than thirty (30) days from the date this Order is entered on the Court's Chronological Case Summary. With the Agreement of the Parties' counsel, the Settlement Administrator may complete the forms described in paragraph 5 of this Order to provide accurate information concerning deadlines and may format the forms for distribution via email, mail, and a website.

8. Class Members shall be afforded an opportunity to request exclusion from the Class. A request for exclusion from the Class must: (i) state that the Class member wishes to "opt-out" or request "exclusion" from the Class; (ii) contain the full name, current address, and telephone number of the person requesting exclusion; (iii) contain the title of the Lawsuit: "*Jones v. The Methodist Hospital,*

Inc.;” (iv) be signed by the person requesting exclusion; and (v) be sent to the Settlement Administrator by U.S. mail with a postmark on or before 30 days after notice is first sent. Members of the Class who submit a timely and valid request for exclusion from the Class shall not participate in and shall not be bound by the Settlement. Members of the Class who do not timely and validly opt out of the Class in accordance with the Notice shall be bound by all determinations and judgments in the action concerning the Settlement.

9. Class Members who have not excluded themselves shall be afforded an opportunity to object to the terms of the Settlement. Any objection must: (i) contain the full name and current address of the person objecting; (ii) contain the title of the Lawsuit: “*Jones v. The Methodist Hospital, Inc.*” with the case number (iii) state the reasons for the Class member’s objection; (iv) be accompanied by any evidence, briefs, motions, or other materials the Class member intends to offer in support of the objection; (v) be signed by the Class member; and (vi) be sent by U.S. mail, first class and postage prepaid, to the Settlement Administrator, with a postmark no later than thirty (30) days after the notice is first sent. If the Class Member or his or her Counsel wishes to speak at the Final Approval Hearing, he or she must file with the Court and serve on Class Counsel and Counsel for the Defendant a Notice of Intention to Appear no later than fifteen (15) days before the Final Approval Hearing.

10. Any member of the Settlement Class who does not make his or her objection known in the manner provided in the Settlement and notice shall be

deemed to have waived such objection and shall forever be foreclosed from making any objection to the fairness or adequacy of the proposed Settlement.

11. Any request for intervention in this action for purposes of commenting on or objecting to the Settlement must meet the requirements set forth above, including the deadline for filing objections, and also must be accompanied by any evidence, briefs, motions or other materials the proposed intervenor intends to offer in support of the request for intervention, and must meet the requirements of the Indiana Rules of Trial Procedure.

12. Any lawyer intending to appear at the Final Approval Hearing must be authorized to represent a Class Member, must be duly admitted to practice law before the Court, and must file a written appearance. Copies of the appearance must be served on Class Counsel and counsel for Defendant in accordance with the Indiana Rules of Trial Procedure.

13. Within 30 days of entry of this Order on the Court's Chronological Case Summary, Class Counsel shall file a motion for approval of the attorneys' fees, expenses, and service awards, along with any supporting materials.

14. If the Settlement does not become effective or is rescinded pursuant to the Settlement terms, the Settlement and all proceedings had in connection therewith shall be without prejudice to the status quo ante rights of the Plaintiffs and Defendant, and all Orders issued pursuant to the Settlement shall be vacated.

17. The Court retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

SO ORDERED.

Dated: **March 7, 2022**

Handwritten signature of Marissa J. McDermott in cursive, with the initials "MM" printed to the right of the signature.

Hon. Marissa J. McDermott, Judge
Lake Circuit Court

Distribution to: All counsel of record via IEFS.