

CAUSE NO. DC-23-01733

IDA PATTERSON, MICHAEL LASSITER,
SELMA EARLS, and COLETTE WILLIAMS,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

DPP II LLC and HOME CARE PROVIDERS OF
TEXAS,

Defendants.

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

14th JUDICIAL DISTRICT

~~PROPOSED~~ ORDER
GRANTING FINAL APPROVAL OF CLASS SETTLEMENT

Before the Court is Plaintiffs' Unopposed Motion requesting that the Court enter an Order granting final approval of the class action Settlement involving Plaintiffs Ida Patterson, Michael Lassiter, Selma Earls, and Collette Williams, individually and on behalf of all others similarly situated ("Plaintiffs" or "Settlement Class Representatives"), and Defendant DPP II LLC and Home Care Providers of Texas ("Defendants") 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 ____ th day of _____, 2024,

ORDERED that:

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

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 30, 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 Plaintiffs as the Settlement Class Representatives, 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:

individuals identified on the Class List whose certain personal information may have been involved in the Data Incident who does not timely elect to be excluded from the Class.

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 Plaintiffs 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, no potential Settlement Class Members have submitted a valid Opt-Out Request to be excluded from the Settlement. There is also no objection to the Settlement by any potential Class Member.

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, Plaintiffs and the Settlement Class Members release claims against Defendants and all Released Persons, as defined in the Settlement Agreement, as follows:

“any claims, demands, rights, actions, or causes of action, liabilities, damages, losses, obligations, judgments, suits, penalties, remedies, matters, and issues of any kind or nature, whether known or unknown, 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 Data Incident whether or not those claims, demands, rights, 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.

11. On the Effective Date and in consideration of the promises and covenants set forth in this Settlement Agreement, (i) Plaintiffs 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.

DONE AND ORDERED THIS 29 **DAY OF** April, 2024.



Hon. Eric V. Moyé, Presiding