

BLOOD HURST & O'REARDON, LLP

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Superior Court of California
County of Los Angeles

FEB 21 2019

Sherri R. Carter, Executive Officer/Clerk
By: Stephanie Chung, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL - CENTRAL CIVIL WEST**

SIRINE ADLOUNI,

Plaintiff,

v.

UCLA HEALTH SYSTEMS
AUXILIARY, et al.,

Defendants.

Lead Case No. BC589243 (*Adlouni*)

Consolidated and Related to:

BC589327 (*Ortiz*), BC590219 (*Allen*)
BC590344 (*A.Y.*), BC590534 (*Brooks*),
BC590942 (*Hawkins*), BC590943 (*Most*),
BC590990 (*Gambin*), BC591185 (*Liberatore*),
BC591192 (*Urnovitz*), BC591624 (*Alexandria*),
BC592539 (*Snyder*), BC593562 (*Williams*),
BC593527 (*Deville*), BC594104 (*Koci*),
BC595049 (*Jenani*), BC598189 (*Edelstein*)

CLASS ACTION

**[PROPOSED] PRELIMINARY
APPROVAL ORDER**

Assigned for All Purposes to
Judge Daniel J. Buckley
Department SS 001

Lead Case No. BC589243

[PROPOSED] PRELIMINARY APPROVAL ORDER

1 WHEREAS class action complaints were filed starting on July 24, 2015; and

2 WHEREAS Plaintiffs have filed an unopposed motion for an order that
3 (1) preliminarily approves the parties' Stipulation of Settlement ("Stipulation") entered into by
4 Plaintiff Theresa Alexandria and The Regents of the University of California ("The Regents"
5 or "Defendant") (collectively, "Settling Parties") and filed with this Court on October 23,
6 2018; (2) appoints an administrator of the Stipulation ("Claims Administrator"); (3) directs the
7 Claims Administrator to notify the members of the class per the approved forms of notice;
8 (4) establishes deadlines for members of the class to opt out of or object to the Stipulation; and
9 (5) schedules a hearing to determine whether the Stipulation should be finally approved as fair,
10 reasonable and adequate, and whether an order finally approving the Stipulation should be
11 entered;

12 WHEREAS this Court having read and considered the motion, the memorandum
13 submitted in support of the motion, and the Stipulation together with all its exhibits, and
14 having reviewed, considered, and held a hearing on the Stipulation, the record in this case and
15 the arguments of counsel;

16 WHEREAS this Court preliminarily finds that the Action meets all the prerequisites of
17 California Code of Civil Procedure § 382, including numerosity, ascertainability, community
18 of interest, predominance of common issues, superiority and typicality, that Plaintiff and
19 Settlement Class Counsel are adequate representatives of the Settlement Class (as defined
20 below); and

21 WHEREAS the Action was settled as a result of arm's-length negotiations,
22 investigation and discovery sufficient to permit counsel and the Court to act knowingly, and
23 counsel are experienced in similar litigation;

24 THEREFORE, for good cause appearing, it is hereby ordered as follows:

25 1. The Court hereby preliminarily approves the Stipulation as filed with the Court
26 on February 13, 2019, and the terms and conditions of settlement set forth in the Stipulation as
27 being within the ranges of fair, reasonable, and adequate and containing no obvious
28 deficiencies that would prevent preliminary Court approval, subject to further consideration at

1 the Final Approval Hearing. All capitalized terms and definitions used herein have the same
2 meanings as set forth in the Stipulation.

3 2. Pursuant to California Code of Civil Procedure § 382 and California Rule of
4 Court 3.769(c) and (d), the Court hereby preliminarily approves for settlement purposes a
5 Settlement Class consisting of:

6 All persons whose personally identifiable information or protected health
7 information (PII/PHI) was stored on the portions of the UCLA Health Network
8 that were, or could have been, accessed by the cyberattackers during the
9 Incident announced in July 2015, including all persons to whom mail notice was
10 provided regarding the Incident. Excluded from the Settlement Class are (i) the
11 members of the Board of Regents, the Officers of The Regents, and members of
12 The Regents' Office of General Counsel with responsibility for the
13 Consolidated Actions, (ii) outside counsel retained by The Regents in
14 connection with the Consolidated Actions, (iii) any judicial officer to whom the
15 Action is assigned, and (iv) any individual who timely and validly opts-out from
16 the Settlement Class.

17 3. The Claims Administrator selected and agreed to by the Settling Parties, Epiq
18 Class Action & Claims Solutions, Inc., is appointed as the Claims Administrator.

19 4. Notice of the Settlement as set forth in the Stipulation should be given to the
20 Settlement Class Members.

21 5. Having considered the Settlement Class Notice provided by both Parties, the
22 Court hereby approves the contents and form of the Settlement Class Notice.

23 6. The Parties are hereby ordered and directed to administer and supervise the
24 Notice Plan as set forth in the Stipulation.

25 7. The Court finds that the notice to the Settlement Class Members regarding
26 settlement of this Action, including the method of dissemination to the Settlement Class
27 Members in accordance with the terms of this Order constitute the best notice practicable
28 under the circumstances and constitute valid, due and sufficient notice to all Settlement Class
Members, complying fully with the requirements of California Code of Civil Procedure § 382
and California Rule of Court, Rule 3.766, the California and United States Constitutions, and
any other applicable law.

1 8. Settlement Class members who qualify for and wish to submit a claim for any
2 benefit under the settlement as to which a claim is required shall do so in accordance with the
3 requirements and procedures of the Stipulation.

4 9. Objections by any Settlement Class Member to: (a) the proposed settlement
5 contained in the Stipulation and described in the Settlement Class Notice; (b) the
6 reimbursement of expenses and an award of attorneys' fees and/or the service awards; and/or
7 (c) entry of the Judgment, shall be considered by the Court at the Final Approval Hearing only
8 if, on or before 60 days after the Notice Date, such objector files with the Clerk of the Superior
9 Court of the County of Los Angeles an objection in compliance with the terms of this
10 Paragraph. The objection must be in writing and (1) state the intent to object to the settlement
11 award, the basis for such objection and provide authority supporting the objection, if available;
12 (2) state whether the objector intends to appear at the Final Approval Hearing; (3) state
13 whether the objector is represented by counsel and if so, identify the objector's counsel; and
14 (4) list all persons, if any, who will be called to testify at the Final Approval Hearing in
15 support of the objection. The objector must personally sign the objection, even if submitted
16 through counsel. The objector must also provide proof that he or she is a Settlement Class
17 Member by providing a copy of the Class Notice that was mailed or e-mailed to the objector,
18 or some other proof of membership in the Settlement Class. The objector must serve copies of
19 the objection and all other papers in support of such objections on counsel for the Parties as
20 identified in the Settlement Class Notice, and otherwise comply with the requirements for
21 objection as set forth in the Settlement Class Notice. In order to be considered for hearing, all
22 objections must be postmarked or actually received by the counsel identified in the Settlement
23 Class Notice on or before 60 days after Notice Date. ~~Any Settlement Class member who does
24 not object shall be deemed to have waived all objections and shall be foreclosed from making
25 any objections to the Settlement.~~ A Settlement Class Member need not appear at the
26 Settlement Hearing in order for his or her objection to be considered.

27 10. Any Settlement Class Member who wishes to opt out of the Settlement Class
28 must mail or deliver a written request for exclusion to the Claims Administrator, postmarked

1 or delivered no later 60 days after Notice Date. The written request must state that the
2 Settlement Class Member requests exclusion from the Settlement Class, must be signed by the
3 Settlement Class Member, must include the Class Member's address, and otherwise comply
4 with the requirements for exclusion as set forth in the Settlement Class Notice. Any
5 Settlement Class Member who does not submit a valid and timely request for exclusion will be
6 bound by the judgment and orders in this Action.

7 11. No later than 35 days before the Final Approval Hearing, the Parties shall
8 file their opening papers in support of their motion for final approval of the Settlement. No
9 later than 15 court days before the Final Approval Hearing, the Parties shall file their reply
10 papers as needed, including as needed to respond to any valid and timely objections. The
11 reply papers shall be served upon any objector who has complied with the provisions of
12 paragraph 9 of this Order.

13 12. Any Settlement Class Member may enter an appearance in the Action,
14 individually or through the counsel of his or her choice at his or her expense. The Notice of
15 Intent to Appear must include the Settlement Class Member's name, current address or other
16 contact information, and state whether he or she will appear through his or her own counsel.
17 Notices of Appearance must be filed with the Court and served on the Parties identified in the
18 Settlement Class Notice no later than 20 days prior to the Final Approval Hearing.

19 13. The Stipulation provides that Jeff Westerman of Westerman Law Corp. is the
20 Counsel to represent the Settlement Class. The Court hereby designates Jeff Westerman of
21 Westerman Law Corp. as Settlement Class Counsel.

22 14. The Final Approval Hearing shall be held by the Court on June 18,
23 2019, at 9:00 a.m. [a.m./p.m.], in Department 1 of the Los Angeles County Superior Court to
24 consider and determine: whether the proposed settlement of the Action on the terms set forth
25 in the Stipulation should be approved as fair, just, reasonable, adequate and in the best
26 interests of the Settlement Class; and whether the Judgment approving the Settlement should
27 be entered.

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20. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement that are not materially inconsistent with either this Order or the terms of the Stipulation.

IT IS SO ORDERED.

Dated: Feb 21, 2019

By: **DANIEL J. BUCKLEY**

Hon. Daniel J. Buckley
JUDGE OF THE SUPERIOR COURT