

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re MCG Health Data Security Issue
Litigation

NO. 2:22-CV-00849-RSM-DWC

**ORDER GRANTING PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS**

This matter came before the Court on Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards ("Fee Motion").

The Court, having previously entered an Order Granting Preliminary Approval of Class Action Settlement (Dkt. 86, "Preliminary Approval Order"), in which the Court preliminarily approved the proposed Settlement as being fair, reasonable, and adequate to the Settlement Class; preliminarily certified the Settlement Class; designated Class Representatives and Class Counsel; appointed a Settlement Administrator; approved the forms and methods of disseminating information about the Settlement and found them to constitute the best notice practicable under the circumstances, constitute due and sufficient notice of the matters set forth in the notices to all persons entitled to receive such notices, and fully satisfy the requirements of due process, Rule 23 of the Federal Rules of Civil Procedure, 28 U.S.C. § 1715, and all other applicable laws and rules; established procedures for Class Members to make claims, opt out, or object to the Settlement and Attorney's Fees and Costs; established deadlines for the filing of a motion for

ORDER GRANTING PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS,
AND SERVICE AWARDS- 1

Case No. 2:22-cv-00849-RSM-DWC

1 final approval of the Settlement and motion for attorneys' fees, costs, and service awards; and
2 scheduled a hearing for September 13, 2024, for the Court to determine whether Attorneys' Fees
3 and Costs should be awarded;

4 The Court having held a hearing on Plaintiffs' Fee Motion on September 13, 2024, after
5 notice to the Class, and the Court having fully considered Plaintiffs' Fee Motion, as well as the
6 declarations and submissions in support thereof, and all papers filed or submitted to the Court in
7 connection with the proceedings in these actions, and good cause appearing therefor;

8 IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:

9 1. All capitalized terms not otherwise defined have the meanings set forth in the
10 Amended Settlement Agreement (Dkt. 83-1) ("Settlement").

11 2. The Court has considered Class Counsel's Fee Motion along with the declaration
12 submitted by Counsel setting forth their time and expenses incurred in connection with this
13 Litigation.

14 3. Pursuant to Rule 23, and relevant Ninth Circuit authority, the Court awards Class
15 Counsel \$2,930,000 as an award of reasonable attorneys' fees and costs to be paid in accordance
16 with the Settlement. The Court finds this amount of fees fair and reasonable under the percentage
17 of recovery method and under a lodestar cross-check, given the exceptional results obtained for
18 the Settlement Class in the form of significant monetary relief; the complexity and novelty of the
19 issues presented in the litigation; the risk of non-payment posed in the litigation; the contingent
20 nature of the fee; and the skill of Class Counsel. The Court also finds the amount of costs and
21 expenses is fair and reasonable, and represents the reasonable expenses incurred to advance this
22 litigation.

23 4. The Court grants Settlement Class Counsel discretion to allocate the attorneys'
24 fees, costs and expenses among all Plaintiffs' counsel.

25 5. This award of attorneys' fees, costs, and expenses, and any interest earned
26 thereon, shall be paid in accordance with the Settlement. This award of attorneys' fees, costs, and

ORDER GRANTING PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS,
AND SERVICE AWARDS- 2

Case No. 2:22-cv-00849-RSM-DWC


1 expenses is independent of the Court's consideration of the fairness, reasonableness, and
2 adequacy of the Settlement.

3 6. The Court grants Class Counsel's requested Service Awards of \$2,500 to each
4 Plaintiff identified as Class Representative in the Court's Preliminary Approval Order. The Court
5 finds that these Service Awards are justified by each Representative Plaintiffs' service to the
6 Settlement Class. This Service Award shall be paid in accordance with the Settlement.

7 7. Without affecting the finality of this Order, the Court hereby reserves continuing
8 and exclusive jurisdiction over all matters related to the administration and consummation of the
9 terms of this Order.

10 8. The Court shall enter a judgment consistent with this Order.

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13 DATED this 9th day of October, 2024.

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16 RICARDO S. MARTINEZ
17 UNITED STATES DISTRICT JUDGE
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1 Presented by:

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Settlement Class Counsel

ORDER GRANTING PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS,
AND SERVICE AWARDS- 4

Case No. 2:22-cv-00849-RSM-DWC