

CAUSE NO. DC-24-00843

EFSTATHIOS MAROULIS, BRUCE DAY, and RUBY MORAN, individually and on behalf of all others similarly situated,

Plaintiffs,

**V.**

COOPER CLINIC, P.A., COOPER  
MEDICAL IMAGING, LLP, and COOPER  
AEROBICS ENTERPRISES, INC.,

**Defendant.**

IN THE DISTRICT COURT

44<sup>TH</sup> JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

## **ORDER GRANTING FINAL APPROVAL OF CLASS SETTLEMENT**

Before the Court is Plaintiffs' Motion requesting that the Court enter an Order granting final approval of the class action Settlement involving Plaintiffs Efstathios Maroulis, Bruce Day, and Ruby Moran (collectively, "Plaintiffs" or "Class Representatives"), individually and on behalf of all others similarly situated ("Plaintiff" or "Settlement Class Representative"), and Defendant Cooper Clinic, P.A., Cooper Medical Imaging, LLP, and Cooper Aerobics Enterprises, Inc. collectively, "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 20<sup>th</sup> day of June 2025,

**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 January 30, 2025, 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 Plan set forth in the Settlement Agreement; (b) provisionally certified a settlement class, including defining the class, appointed Plaintiffs as the Class Representatives, and appointed Class Counsel; (c) preliminarily approved the Settlement; (d) set deadlines for optouts and objections; (e) approved and appointed the Settlement 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:

All residents of the United States who were sent notice that their personal information was accessed, stolen, or compromised because of the Data Incident.

5. Excluded from the Settlement Class are: (i) Defendants and their respective officers and directors; (ii) all members of the Settlement Class who timely and validly request exclusion

from the Settlement Class; (iii) the Judge assigned to evaluate the fairness of this settlement; and (iv) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding, or abetting the Data Incident or who pleads nolo contendere to any such charge.

6. In the Order Granting the Motion for Preliminary Approval of Class Settlement Agreement, the Court further determined that for settlement purposes the proposed Settlement Class meets all the requirements of Tex. R. Civ. P. 42(a) and (b), namely that the class is so numerous that joinder of all members is impractical; that there are common issues of law and fact; that the claims of the class representatives are typical of absent class members; that the class representatives will fairly and adequately protect the interests of the class as they have no interests antagonistic to or in conflict with the class and have retained experienced and competent counsel to prosecute this matter; that common issues predominate over any individual issues; and that a class action is the superior means of adjudicating the controversy.

7. The Court has jurisdiction over the subject matter of this action and over all claims raised therein and all Parties thereto, including the Settlement Class Members. The Court also has personal jurisdiction over the Parties and the Settlement Class Members.

8. The Settlement was entered into in good faith following arm's length negotiations and is non-collusive.

9. 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.

10. This Court grants final approval of the Settlement, including, but not limited to, the releases in the Settlement and the plans for distribution of the settlement relief. The Court finds

that the Settlement is in all respects fair, reasonable, adequate, and in the best interest of the Settlement Class. Therefore, all Settlement Class Members who have not opted out are bound by the Settlement and this Final Approval Order and Judgment.

11. The Settlement and every term and provision thereof—including, without limitation, the releases—are incorporated herein as if explicitly set forth herein and shall have the full force of an Order of this Court.

12. The Parties shall effectuate the Settlement in accordance with its terms.

13. Notice of the Final Approval Hearing, the proposed motion for attorneys' fees, costs, and expenses, and the proposed Service Award payments 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 Plan has been filed with the Court.

14. 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.

15. As of the final date of the Opt-Out Period, 4 potential Settlement Class Members have submitted a valid Opt-Out Request to be excluded from the Settlement. The names of those persons are set forth in Exhibit 5 to the Declaration of the Settlement Administrator in Connection with Final Approval of Settlement, filed as Exhibit A to Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement. Those persons are not bound by this Final Order and Judgment, as set forth in the Settlement Agreement.

16. 1 Settlement Class Member submitted an Objection to the Settlement. The Court finds that this objection was without merit and is overruled.

17. For purposes of the Settlement and this Final Approval Order and Judgment, the

Court hereby finally certifies for settlement purposes the following Settlement Class:

All residents of the United States who were sent notice that their personal information was accessed, stolen, or compromised because of the Data Incident.

18. Excluded from the Settlement Class are: (i) Defendants and their respective officers and directors; (ii) all members of the Settlement Class who timely and validly request exclusion from the Settlement Class; (iii) the Judge assigned to evaluate the fairness of this settlement; and (iv) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding, or abetting the Data Incident or who pleads nolo contendere to any such charge.

19. The Court further finds that for settlement purposes the proposed Settlement Class meets all the requirements of Tex. R. Civ. P. 42(a) and (b), namely that the class is so numerous that joinder of all members is impractical; that there are common issues of law and fact; that the claims of the class representatives are typical of absent class members; that the class representatives will fairly and adequately protect the interests of the class as they have no interests antagonistic to or in conflict with the class and have retained experienced and competent counsel to prosecute this matter; that common issues predominate over any individual issues; and that a class action is the superior means of adjudicating the controversy.

20. The Court grants final approval to the appointment of Plaintiffs Efstathios Maroulis, Bruce Day, and Ruby Moran as Class Representatives.

21. The Court grants final approval to the appointment of William B. Federman of Federman & Sherwood, John A. Yanchunis of Morgan & Morgan Complex Litigation Group, Gary Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC ("Milberg"), and Bruce Steckler of Steckler Wayne & Love, PLLC as Class Counsel and finds that they are competent and

capable of exercising the responsibilities of Class Counsel.

22. 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.

23. On the Effective Date and in consideration of the promises and covenants set forth in this Settlement Agreement, Plaintiffs and each Settlement Class Member 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 Parties from the Released Claims.

24. The matter is hereby dismissed with prejudice and without costs except that the Court reserves jurisdiction over the consummation and enforcement of the Settlement.

25. The Court also finds that the attorneys' fees, costs, and expenses are reasonable and awards \$390,000.00 in attorneys' fees and \$8,953.81 in costs and expenses.

26. The Court further finds that the Service Awards are reasonable and awards \$2,500.00 to each Class Representative.

27. This Final Order and Judgment resolves all claims against all parties in this Action and is a final order.

28. 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 25 DAY OF June, 2025.

  
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Honorable Judge Veretta L. Frazier