

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEELE

THIRD JUDICIAL DISTRICT

<p>PAYSHENCE CARR, on behalf of herself individually and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>SOUTH COUNTRY HEALTH ALLIANCE, A JOINT POWERS BOARD,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: right;">Court File No. 74-CV-21-632 Judge Karen R. Duncan</p> <p style="text-align: center;">Case Type: Breach of Contract; Minnesota Government Data Practices Act</p>
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TO: ALL PARTIES ABOVE NAMED AND THEIR COUNSEL OF RECORD:

NOTICE OF MOTION

PLEASE TAKE NOTICE that Plaintiff Payshence Carr (“Plaintiff”) brings the following Motion, pursuant to Minn. R. Civ. P. 23.05. Parties agree that the Court may rule on the Motion without oral argument pursuant to Minn. R. Civ. P. 7.02, unless the Court directs otherwise.

**UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff hereby moves the Court, pursuant to Minn. R. Civ. P. 23.05 for an Order of Preliminary Approval of Class Action Settlement, and Appointment of Settlement Class Counsel. This Unopposed Motion is based upon the foregoing Rules of Civil Procedure, all the records, files, and proceedings herein, including Plaintiff’s Memorandum of Law in Support.

Specifically, Plaintiff moves the Court for an Order:

1. Preliminarily approving the Settlement;
2. Certifying the Class pursuant to Rule 23.02(c) of the Minn. R. Civ. P., defined as follows:

...all persons, approximating 15,213 persons, whose Personally Identifiable Information and/or Protected Health Information was potentially compromised or who reported identity theft to South Country Health Alliance, in writing, on or before May 15, 2023, as a result of the alleged Data Breach described in the Complaint as identified by category in Term Sheet Exhibit A, attached to this Settlement Agreement; but, not including any person who serves as, or is designated as an alternate to serve as, a member of the South Country Health Alliance Joint Powers Board, and not including any person who serves as South Country Health Alliance's Chief Executive Officer, Chief Financial Officer, or Compliance Officer.

3. Directing that notice be disseminated to the Settlement Class Members in accordance with the Notice Program;
4. Approving the form and content of the Summary Notice, Detailed Notice, and Claim Form attached, respectively, as Exhibits A, B, and E to the Settlement Agreement, as providing for the best notice practicable in compliance with Minn. R. Civ. P. 23.05(a)(2).
5. Appointing the Plaintiff, Payshence Carr, as Class Representative;
6. Pursuant to Rule 23.07, appointing Stranch, Jennings & Garvey, PLLC, Cohen & Malad, LLP, The Johnson Firm, and Hellmuth & Johnson, PLLC as Class Counsel to fairly and adequately represent the interests of the Class;
7. Scheduling a Final Fairness hearing to consider the entry of final order and judgment approving the Settlement and the request for Attorneys' Fees, Expenses, and Service Awards; and,
8. Awarding such other relief as the Court deems just and appropriate.

The motion is based on Plaintiff's memorandum of law in support and all exhibits, declarations and evidence filed with it.

Dated: May 25, 2023

Respectfully submitted,

HELLMUTH & JOHNSON PLLC

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ACKNOWLEDGMENT REQUIRED BY MINN. STAT. 549.211, SUBD. 1

The undersigned hereby acknowledges that sanctions may be imposed pursuant to Minn. Stat. 549.211. subd. 3, if, after notice and a reasonable opportunity to respond, the Court determines that the undersigned has violated the provision of Minn. Stat. 549.211, subd. 2.

Dated: May 25, 2023

/s/ Nathan D. Prosser

Nathan D. Prosser