

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
CIVIL DIVISION**

**CRYSTAL GANNON and
JASON METZNER, individually
and on behalf of all others
similarly situated,**

PLAINTIFFS,

v.

CASE NO. 60CV-24-3329

**W.P. MALONE, INC. d/b/a
ALLCARE PHARMACY**

DEFENDANT.

**ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

This matter comes before the Court on Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement. Having reviewed the filings, supportive documents and being fully advised, the Court finds and ORDERS as follows:

1. Unless otherwise defined, all terms in this Order have the same meaning as in the Settlement Agreement and Release ("Agreement").

2. The Court has conducted a preliminary evaluation of the proposed Settlement. It finds that the Agreement meets the requirements of Ark. R. Civ. P. 23 for settlement purposes only and that the proposed Settlement Class satisfies the numerosity, commonality, typicality, and adequacy requirements. The Court further finds that common issues predominate, and that class-wide settlement is superior to individual actions.

3. The Court finds that the Settlement appears fair, reasonable and adequate; is the result of informed, arm's-length negotiations by experienced counsel; and justifies notice to the Class. Accordingly, the Court grants preliminary approval of the Settlement.

4. For settlement purposes only, the Court certifies the following Settlement Class:

5. All individuals whose Personal Information was contained in Defendant's digital records on September 21, 2023, and all individuals who were sent or provided notice or a letter informing them about the Data Incident.
6. Excluded from the Settlement Class are: (1) the presiding judge and their immediate family and staff; (2) Defendant and entities in which it holds a controlling interest, and their legal representatives, officers, directors, and employees; and (3) any person who submits a valid and timely request for exclusion.
7. Plaintiffs Crystal Gannon and Jason Metzner are appointed as Class Representatives.
8. Scott Edward Cole of Cole & Van Note ("CVN") and Raina Borrelli of Strauss Borrelli PLLC are appointed as Co-Lead Class Counsel.
9. The Final Approval Hearing is set for February 10, 2026, at 9 a.m., both in person and via zoom videoconference, to determine whether the Settlement should be finally approved as fair, reasonable, and adequate, and to address Class Counsel's request for attorneys' fees, expenses, and service awards.
10. CPT Group, Inc. is appointed as the Settlement Administrator.
11. The Court approves the proposed Notice Plan, finding it satisfies due process and Ark. R. Civ. P. 23. Notice shall be completed within 30 days of this Order (the "Notice Date").
12. The Opt-Out and Objection Deadline is 60 days after the Notice Date. Requests for exclusion must comply with the Agreement and Notice. Class Members who do not exclude themselves will be bound by all orders and judgments.

13. Objections must include: (i) objector's name and address; (ii) case name and number; (iii) statement of all grounds for objection; (iv) identification of any counsel; (v) intent to appear; and (vi) signature.

14. Any Class Member who fails to timely object shall waive all objections and be barred from appeal or further review.

15. To receive benefits, Class Members must submit valid claims within 45 days after the Notice Date. Claims may be submitted by mail or through the Settlement Website.

16. Certification is solely for settlement purposes. If the Settlement is not finally approved, all proceedings will revert to their prior status and this certification will be null and void.

17. Pending final approval, Settlement Class Members are enjoined from pursuing Released Claims.

18. Class Members need not appear at the Final Approval Hearing to remain eligible for relief.

19. All other proceedings are stayed pending further order. The Court adopts the following schedule:

<u>Event</u>	<u>Date</u>
Defendant provides Class List to Settlement Administrator	Within 10 days after entry of Preliminary Approval Order (Agreement ¶ 51)
Settlement Administrator sends Notice to the Settlement Class (the "Notice Date")	Within 30 days after entry of Preliminary Approval Order (Agreement ¶ 19)
Deadline for Settlement Class Members to opt out or object	60 days after the Notice Date (Agreement ¶¶ 21, 23)
Deadline for Settlement Class Members to submit Claim Forms	45 days after the Notice Date (Agreement ¶ 5)
Date by which Class Counsel is to file a Motion for Award of Attorneys' Fees, Expenses and Service Awards	Within 14 days before the Opt-Out and Objection Deadlines (Agreement ¶ 72)
Date by which Class Counsel is to file Motion for Final Approval of Settlement	Within 14 days prior to the Final Approval Hearing (Agreement ¶ 60)
Final Approval Hearing	February 10, 2026, at 9 a.m.

IT IS ORDERED.

ENTERED: 11-5-25

JUDGE: Aileen T. Conyon ml.