

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DANIEL B. STORM, HOLLY P.</b>	:	
<b>WHITE, DORIS MCMICHAEL, and</b>	:	
<b>KYLE WILKINSON, BARBARA HOLT,</b>	:	
<b>and LINDA REDDING individually and</b>	:	<b>Civil Action No.:</b>
<b>on behalf of all others similarly situated,</b>	:	<b>1:14-cv-01138-JEJ</b>
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>PAYTIME, INC., a Pennsylvania</b>	:	
<b>corporation,</b>	:	
	:	
<b>Defendant.</b>	:	

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**ORDER GRANTING FINAL APPROVAL  
OF CLASS SETTLEMENT, APPROVING ATTORNEY  
FEES, ATTORNEY EXPENSES, ADMINISTRATION  
EXPENSES, AND SERVICE AWARD TO NAMED PLAINTIFFS**

WHEREAS, the Court has considered Plaintiffs' Unopposed Motion for Final Approval, Plaintiffs' motion for an award of attorney fees, attorney expenses, administration expenses, Plaintiffs' request for an incentive/service award to the named Plaintiffs, and all supporting materials filed by the Parties.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Court finds that it has subject matter jurisdiction over this action as a result of the partial remand of the appeal pending before the Third Circuit.

2. Plaintiffs have shown that the proposed settlement class meets the four factors of Rule 23(a): numerosity, typicality, commonality, and adequacy, and that the proposed class meets the predominance and superiority requirements of Rule 23(b). The Plaintiffs have also satisfied the ascertainability requirement. Therefore, the Court has personal jurisdiction over the Class Members, and the Class may be certified.

3. The following class is certified, for settlement purposes only, pursuant to Fed. R. Civ. P. 23(b)(3):

all individuals whose information was accessed without authorization by an unknown individual on or around April 7, 2014, which was discovered by Paytime on or around April 30, 2014.

4. Excluded from the class are all individuals who timely filed requests for exclusion and were identified in the papers filed by Plaintiffs' counsel in support of their motion for final approval.

5. Gary F. Lynch of Carlson Lynch Sweet Kilpela & Carpenter, LLP and Katrina Carroll of Lite DePalma Greenberg, LLC are appointed Class Counsel.

6. The Court finds that the Parties' notice plan, which was previously approved by the Court, constituted the best notice practicable, was implemented

appropriately, and comported with the requirements of Rule 23, the class members' due process rights, and principles of fairness.

7. Upon consideration of the factors enumerated in *Girsh v. Jepson*, 521 F.2d 153, 157 (3d Cir. 1975), *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 316 (3d Cir. 1998), and *In re Warfarin Sodium Antitrust Litig.*, 391 F.3d 516, 534-35 (3d Cir. 2004), the Court finds that the proposed settlement to be fair, reasonable, and adequate as required under Fed. R. Civ. P. 23(e). The Court hereby approves the Class Action Settlement Agreement.

8. The Court finds that Settlement Agreement was the result of arm's-length negotiations supervised by the Third Circuit Mediation Program and conducted between experienced attorneys who are familiar with class action litigation in general and with the legal and factual issues of this case in particular.

9. The Settlement applies to, and shall be binding upon, the Class as defined above, effective as of today's date. The judgment entered in this action shall be *res judicata* with respect to Class Members, Defendant, and the released claims described in the Settlement Agreement.

10. Upon consideration of the factors enumerated in *Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 195 n.1 (3d Cir. 2000) and *In re Prudential Ins. Co. Am. Sales Pract. Litig. Agent Actions*, 148 F.3d 283, 336-40 (3d Cir. 1998), the

Court approves Class Counsel's request to be awarded attorney fees of \$222,436.13.

11. The request is reasonable in light of: (1) the class relief obtained and the number of persons benefitted; (2) the absence of any objections by members of the class to the settlement terms or fees requested by counsel; (3) the skill and efficiency of the attorneys involved; (4) the complexity and duration of the litigation; (5) the risk of nonpayment; (6) the amount of time devoted to the case by plaintiffs' counsel; and (7) the awards in similar cases.

12. The Court approves Class Counsel's request to be reimbursed \$5,963.87 in litigation expenses.

13. The Court approves awards of \$2,500 to each of the six named Plaintiffs as incentive/service payments in recognition of their service to Class Members.


14. The Court approves \$86,600 in administration expenses, with any excess to be paid by Plaintiffs' counsel from their fee award.

13. This case is hereby dismissed with prejudice, and the Clerk is directed to close the case and enter judgment.

14. The Court shall retain jurisdiction with respect to the implementation and enforcement of the terms of the Settlement, and all Parties and Counsel shall submit to the jurisdiction of the Court for purposes of implementing and enforcing

the terms of the Settlement Agreement or resolving any disputes related to the agreement or this approval order.

DATED: December 17, 2018

A handwritten signature in black ink, consisting of several loops and a horizontal line at the end, positioned above a horizontal line.

United States District Judge