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JANE DOE

Plaintiff,

JENNIFER M. MCPRIDE
CLERK OF COURTS
ALLEN COUNTY, OHIO
Case No. CV 2024-0490

vs.

LIMA MEMORIAL HOSPITAL, et al.,

Defendants.

**FINAL ORDER AND JUDGMENT
GRANTING APPROVAL OF CLASS ACTION SETTLEMENT**

Before the Court is Plaintiff's Motion requesting that the Court enter an Order granting final approval of the class action Settlement involving Plaintiff Jane Doe, individually and on behalf of all others similarly situated ("Plaintiff" or "Settlement Class Representative"), and Defendants Lima Memorial Hospital and Lima Memorial Joint Operating Company d/b/a Lima Memorial Health System as further defined herein ("LMH" or "Defendants" and together with Plaintiff, the "Parties") 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, and

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adequate under Ohio Civ. R. 23, and in the best interests of the Settlement Class;

IT IS ON THIS 12 th day of Aug., 2024,

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 April 11, 2024, 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 Program set forth in the Settlement Agreement; (b) provisionally certified a Settlement Class in this matter, including defining the class, appointed Plaintiff as the Settlement Class Representative, and appointed Settlement Class Counsel; (c) preliminarily approved the Settlement; (d) set deadlines for opt-outs and objections; (e) approved and appointed the Claims Administrator and (f) set the date for the Final Approval Hearing.¹

4. In the Order Granting the Motion for Preliminary Approval of Class Action Settlement, for settlement purposes only, the Court certified the Settlement Class, defined as follows:

All persons who are, or have been, patients of Defendants and who visited Defendants' website(s) at least once between January 1, 2018 and up to and including May 12, 2023.

¹ The Order entered on April 11, 2024, did not include a date for the final approval hearing. On June 11, 2024, the Court entered an order which was identical to the April 11, 2024, order with the addition of the inclusion of the setting of the final approval hearing for August 8, 2024, at 1:30 PM.

5. 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 Ohio Civ. R. 23.

6. Settlement Class Counsel applied for an award of attorney's fees in the amount of \$750,000.00. Given all of the facts and circumstances, the Court finds this amount to be fair, reasonable, and adequate and approves the requested award of attorney's fees.

7. Settlement Class Counsel have applied for reimbursement of litigation costs and expenses in the amount of \$14,645.10. The Court finds that these expenses were reasonably incurred in connection with this litigation and approves the requested reimbursement.

8. The Settlement Agreement provides for a class representative service award of \$2,500 to the named Plaintiff, Jane Doe. The Court finds that this modest award is reasonable and hereby grants approval.

9. Notice of the Final Approval Hearing, the proposed motion for attorneys' fees, costs and expenses, and the proposed Service Award payment to Plaintiff has 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 Program has been filed with the Court..

10. The Court finds that such Notice constitutes the best possible notice practicable under the circumstances and constitutes valid, due and sufficient notice to all Settlement Class Members.

11. As of the final date of the Opt-Out Period, three 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 A (the "Exclusion List"). Those persons are not bound by this Final Order and Judgment, as set forth in the Settlement Agreement.

12. 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.

13. Further to the Settlement Agreement, Plaintiff and the Settlement Class Members release claims against Defendants and all Released Persons, as defined in the Settlement Agreement. The released claims shall not include the right of any Settlement Class Member or any of the Released Persons to enforce the terms of the Settlement contained in this Settlement Agreement and shall not include the claims of those persons identified in the Exclusion List who have timely and validly requested exclusion from the Settlement Class.

14. On the Effective Date and in consideration of the promises and covenants set forth in this Settlement Agreement, the Releasing Parties and Settlement Class Counsel and each of their past and present law firms, partners, or other employers, employees, agents, representatives, successors, or assigns will be deemed to have, and by operation of this Final Order and Judgment, shall have, fully, finally, completely and forever released and discharged Defendants and the Released Persons from the released claims, as set forth in the Settlement Agreement.

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

16. This Final Order and Judgment resolves all claims against all Parties in this Litigation and is a final order.

17. 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.

18. Plaintiff will pay any court costs.

DONE AND ORDERED THIS 12th DAY OF August, 2024

Jeffrey L. Reed.

**The Clerk of this Court shall forward a
file stamped copy of this Judgment
Entry by regular mail to each attorney**

EXHIBIT A

The following potential Settlement Class Members have submitted a valid Opt-Out Request to be excluded from the Settlement and are not bound by this Final Order and Judgment, as set forth in the Settlement Agreement:

1. Lori Corbet
2. Nancy Hofferbert
3. Terry Reynolds