

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE ANTHEM, INC. DATA BREACH
LITIGATION

Case No. 15-MD-02617-LHK

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

Re: Dkt. No. 869

This matter is before the Court on Plaintiffs’ motion for preliminary approval of the proposed class action settlement. Plaintiffs, individually and on behalf of the proposed settlement class, and Defendants have entered into a Settlement Agreement and Release and an Amendment to the Settlement Agreement and Release (together, “Settlement Agreement”) that, if approved, would settle the above-captioned litigation. Having considered the motion, the Settlement Agreement together with all exhibits and attachments thereto, the record in this matter, and the briefs and arguments of counsel, **IT IS HEREBY ORDERED** as follows:

1. Unless otherwise defined herein, all terms that are capitalized herein shall have the same meaning ascribed to those terms in the Settlement Agreement.

1 6. The Court preliminarily finds that the Settlement Class satisfies the requirements of
2 Federal Rule of Civil Procedure 23(a): the Settlement Class is comprised of approximately 79
3 million individuals; there are questions of law or fact common to the Settlement Class; the
4 Settlement Class Representatives' claims are typical of those of Settlement Class Members; and
5 the Settlement Class Representatives will fairly and adequately protect the interests of the
6 Settlement Class.

7 7. The Court preliminarily finds that the Settlement Class satisfies the requirements of
8 Federal Rule of Civil Procedure 23(b)(3): the questions of law or fact common to the Settlement
9 Class predominate over individual questions, class action litigation is superior to other available
10 methods for the fair and efficient adjudication of this controversy, and defendants have acted or
11 refused to act on grounds that apply generally to the Settlement Class.

12 8. The Court hereby appoints as Class Representatives: Cindy Chadwick, Pearl
13 Bruno, Daniel Randrup, Mary Ella Carter (on behalf of her minor daughter T), Kenneth Coonce,
14 Steve Kawai, Kenneth Solomon, Joseph and Karen Jo Blanchard, Lillian Brisko, Alvin Lawson,
15 James Schatzman, Janet Brunton, Kimberly Kos-Williams, Gary Lasneski, Ralph Staffieri, Jessica
16 Holguin, Danielle DiFonzo, Glenn Kahn, Gerald Keaton, John McAffry, Charles Platt, John
17 Thomas, II, Lauren Roberts, Karen Coppedge, Allison Swank, Kevin Donnelly, Harold Lott,
18 Cynthia Kelley, Mary Wicklund, David Klemer, Nadine Foster, Cynthia Reichrath, Wanda Pratt,
19 Brent Harris, Steven Quinnette, Darrell Hunter, Cheryl Grissom, Melinda Lambert, Amy
20 Whittaker, Shantel and Rahman Jones, Jason Jenkins, Kelli Smith (on her own behalf and on
21 behalf of her three minor children), Dianne Reistroffer, Christopher Ruberg, Frank Bailey, Jason
22 Baker, Meredith Fisse, Robin Wilkey, Gary Bellegarde, Mark Hatcher, Don West, Denese
23 Depeza, Claudia Cass, Robert Roy, Carrie Ramos, Lisa Daniels, Michelle Kaseta-Collins, Lyle
24 Nichols, Hank Maurer, Jack Wenglewick, Charles McCullough, Debbie Stein, Melody Eads,
25 Christopher Allen, Jill Noble, Cherri and Gregory Hawes, Christina Renkoski (previously Novak),
26 Shawn Crane, Troy Hobbs, David Ifversen, Angelin Gonzalez, Joseph LeBrun, Brenda
27 Harrington, Elizabeth Ames, Ronald Percy, Barbara Gold, Matthew Gates, Marne Onderdonk,

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1 Frank Pacilio, Valerie Brescia, Randy Polacsek, Francis Nicosia, Connie McDaniel, Rachel Calo,
2 Nicholas Bowes, Martin Williams, Rosanne M. Stanley, Gregory Kremer, Denise Masloski, Alan
3 Voll, Lakeysha Gant, Jonathan B. Pulcini, Patrick Kimbrell, William Ansah-Dawson, C.
4 Wheelwright, Michael S. Weinberger, Vernon Davitte, Jennifer Mertlich, Simon Kaufman, Lisa
5 Shiltz, Susan H. Jones, and Jennifer Rud.

6 9. The Court hereby appoints as Class Counsel Eve H. Cervantez, Andrew N.
7 Friedman, Michael W. Sobol, and Eric Gibbs, as well as their respective firms: Altshuler Berzon
8 LLP; Cohen Milstein Sellers & Toll PLLC; Lieff Cabraser Heimann & Bernstein LLP; and Girard
9 Gibbs LLP.

10 **NOTICE & ADMINISTRATION**

11 10. Pursuant to the Settlement Agreement, the Parties have designated KCC as the
12 Settlement Administrator. The Settlement Administrator shall perform all the duties of the
13 Settlement Administrator set forth in the Settlement Agreement.

14 11. The Court finds that the Notice and Notice Plan set forth in the Settlement
15 Agreement satisfy the requirements of due process and Federal Rule of Civil Procedure 23 and
16 provide the best notice practicable under the circumstances. The Notice and Notice Plan are
17 reasonably calculated to apprise Settlement Class Members of the nature of this litigation, the
18 scope of the Settlement Class, the terms of the Settlement Agreement, the right of Settlement
19 Class Members to object to the Settlement Agreement or exclude themselves from the Settlement
20 Class and the process for doing so, and of the Final Approval Hearing. The Court therefore
21 approves the Notice and Notice Plan and directs the parties and the Settlement Administrator to
22 proceed with providing notice to Settlement Class Members pursuant to the terms of the
23 Settlement Agreement and this Order.

24 12. Under the terms of the Settlement Agreement, the Settlement Administrator shall
25 disseminate the Notice and implement the Notice Plan on or before October 30, 2017.

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1 have no further force or effect, and shall not be used in any Action or any other proceedings for
 2 any purpose other than as may be necessary to enforce the terms of the Settlement Agreement that
 3 survive termination; (b) this matter will revert to the status that existed before execution of the
 4 Settlement Agreement; and (c) no term or draft of the Settlement Agreement or any part of the
 5 Parties' settlement discussions, negotiations or documentation (including any briefs filed in
 6 support of preliminary or final approval of the Settlement) shall (i) be admissible into evidence for
 7 any purpose in any Action or other proceeding other than as may be necessary to enforce the terms
 8 of the Settlement Agreement that survive termination, (ii) be deemed an admission or concession
 9 by any Party regarding the validity of any Released Claim or the propriety of certifying any class
 10 against Defendants, or (iii) be deemed an admission or concession by any Party regarding the truth
 11 or falsity of any facts alleged in the Actions or the availability or lack of availability of any
 12 defense to the Released Claims.

13 25. The instant motion granting preliminary approval of the proposed class action
 14 settlement renders moot the following pending motions in this multi-district litigation: ECF No.
 15 851 (Administrative Motion to File Under Seal); ECF No. 850 (Administrative Motion to File
 16 Under Seal); ECF No. 849 (Administrative Motion to File Under Seal); ECF No. 847 (Application
 17 for Leave to File Response to Defendants' Statement of Recent Decision); ECF No. 843
 18 (Administrative Motion to File Under Seal); ECF No. 842 (Administrative Motion to File Under
 19 Seal); ECF No. 841 (Administrative Motion to File Under Seal); ECF No. 832 (Administrative
 20 Motion to File Under Seal); ECF No. 831 (Administrative Motion to File Under Seal); ECF No.
 21 826 (Administrative Motion to File Under Seal); ECF No. 821 (Motion to Strike Expert
 22 Testimony of Dr. Stefan Savage); ECF No. 820 (Motion to Strike Expert Testimony of James
 23 Mulvenon); ECF No. 819 (Motion to Strike Expert Testimony of William S. Choi); ECF No. 818
 24 (Administrative Motion to File Under Seal); ECF No. 807 (Administrative Motion for Removal of
 25 Incorrectly Filed Documents); ECF No. 797 (Administrative Motion to File Under Seal); ECF No.
 26 794 (Administrative Motion to File Under Seal); ECF No. 793 (Administrative Motion to File
 27 Under Seal); ECF No. 780 (Administrative Motion to File Under Seal); ECF No. 778

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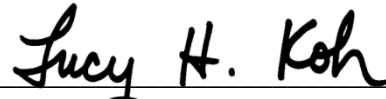
1 (Administrative Motion to File Under Seal); ECF No. 777 (Administrative Motion to File Under
2 Seal); ECF No. 776 (Administrative Motion to File Under Seal); ECF No. 743 (Administrative
3 Motion to File Under Seal); ECF No. 719 (Administrative Motion to File Under Seal); ECF No.
4 716 (Administrative Motion to File Under Seal); ECF No. 714 (Administrative Motion to File
5 Under Seal). The Court therefore DENIES these pending motions as moot.

6 26. For the reasons discussed above, the Court GRANTS Plaintiffs' motion for
7 preliminary approval.

8 **IT IS SO ORDERED.**

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10 Dated: August 25, 2017



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12 LUCY H. KOH
13 United States District Judge
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