

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-61610-CIV-DAMIAN/Valle

**WILLIAM GILLIS**, *individually and on  
behalf of all others similarly situated*,

Plaintiff,

v.

**PHIL SMITH MANAGEMENT, INC.**,

Defendant.

**ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT, CERTIFICATION OF  
SETTLEMENT CLASS, AND APPROVAL OF CLASS NOTICE [ECF NO. 20]**

**THIS CAUSE** is before the Court upon the Unopposed Motion, filed by Plaintiff, William Gillis, individually and on behalf of all others similarly situated (“Plaintiff”), for Preliminary Approval of Class Action Settlement, Certification of Settlement Class, and Approval of Class Notice (“Motion”) [ECF No. 20], filed on November 24, 2025.

The Court has reviewed the Motion, the Settlement Agreement [ECF No. 20-4] between Plaintiff and Defendant Phil Smith Management, Inc. (“Defendant”) that was attached to the Motion, the record, and the applicable law and is otherwise fully advised. Noting that Defendant does not oppose the relief sought in the Motion, it is hereby

**ORDERED** as follows:

1. The Court incorporates by reference the definitions set forth in the Settlement Agreement.
2. The Court finds it has personal and subject-matter jurisdiction over this matter, the Parties, and all Settlement Class Members.

### Preliminary Settlement Class Certification

3. The Court certifies, for settlement purposes only, the following Settlement Class pursuant to Fed. R. Civ. P. 23:

All Persons residing within the United States who were notified by Defendant that their Personal Information was potentially compromised in the Security Incident. The Settlement Class shall not include the judge to whom the Litigation is assigned and any member of the judge's staffs or immediate family members, and any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding, or abetting the criminal activity occurrence of the Security Incident or who pleads *nolo contendere* to any such charge. The Settlement Class shall also not include any Released Person.

4. The Court determines that for settlement purposes the proposed Settlement Class likely meets all the requirements of Federal Rules of Civil Procedure ("Rules") 23(a) and (b)(3), namely that the Settlement Class is so numerous that joinder of all members is impractical; that there are common issues of law and fact; that the claims of the Settlement Class Representative are typical of absent Settlement Class Members; that the Settlement Class Representative will fairly and adequately protect the interests of the Settlement Class as they have no interests antagonistic to or in conflict with the Settlement Class and have retained experienced and competent counsel to prosecute this matter; that common issues predominate over any individual issues; and that a class action is the superior means of adjudicating the controversy.

5. Plaintiff William Gillis is designated as Settlement Class Representative.

6. The Court appoints Nicholas A. Colella and Gerald D. Wells, III of Lynch Carpenter, LLC as Settlement Class Counsel for the Settlement Class.

### **Reasonableness Of The Proposed Settlement**

7. The Court finds that: (i) the proposed Settlement resulted from extensive and good faith negotiations at arms' length; (ii) the proposed Settlement was concluded only after sufficient discovery; and (iii) the terms of the proposed Settlement as evidenced by the Settlement Agreement appear to be sufficiently fair, reasonable, and adequate in light of the risks, delays, and expenses of further litigation, warranting the Settlement Agreement, and the scheduling of a final fairness hearing.

8. The Court finds that the Proposed Settlement creates an equitable claims process that will allow Class Members an opportunity to obtain reimbursement for certain types of harm they may have suffered as a result of events alleged in the Litigation. This consideration appears to be within the range of reasonableness and an adequate exchange for the Settlement Class's release of claims as described in the Settlement Agreement.

Accordingly, the Court grants preliminary approval of the Settlement, subject to final approval, and authorizes the Parties to conduct their plan for Notice as described in the Settlement Agreement.

### **Notice To The Settlement Class**

9. The Court finds that the Notices proposed in the Settlement Agreement, including in form, content and method: (a) constitutes the best practicable notice to the Settlement Class; (b) is reasonably calculated, under the circumstances, to apprise Settlement Class Members of the pendency of the action, the terms of the proposed Settlement, and their rights under the proposed Settlement; (c) is reasonable and constitutes due, adequate, and sufficient notice to those persons entitled to receive notice; and (d) satisfies the requirements of Rule 23, the constitutional requirement of due process, and any

other legal requirements. The Court further finds that the Notices are written in plain language, use simple terminology, and are designed to be readily understandable by Settlement Class Members.

10. The Parties and Settlement Administrator are authorized to make nonmaterial modifications to the notices and claim form, such as proofing and formatting alterations, without further Order from this Court.

11. This Court appoints RG2 Claims Administration LLC as the Settlement Administrator and orders it to provide notice to the Settlement Class Members, CAFA Notice and perform services as set forth in the Settlement Agreement.

12. By **December 30, 2025**, Defendant shall provide to the Settlement Administrator a list of the Class Member Information for each Settlement Class Member.

13. By **January 26, 2026**, and prior to the dissemination of the Short Notice, the Settlement Administrator shall establish a Settlement Website that will inform members of the Settlement Class of the terms of the Settlement Agreement, their rights, dates, deadlines, and related information. The Settlement Website will contain relevant documents, including the Long Form Notice; Claim Form (which shall include, *inter alia*, the general terms of the Settlement, instructions for how to object or opt-out of the Settlement, the process and instructions for making Settlement Claims, and the date, time, and place of the Final Approval Hearing); the Complaint; the Settlement Agreement; Plaintiff's Motion for Preliminary Approval of the Settlement; the Preliminary Approval Order; and, once filed, Settlement Class Counsel's motion for attorneys' fees and expenses and Motion for Final Approval.

14. By **January 26, 2026**, the Settlement Administrator will begin providing the Short Notice to the Settlement Class Members via email. For those Settlement Class Members for whom no email address is available, the Short Notice will be provided via mail to the postal address in the Defendant's possession after the Claims Administrator has updated any change of address on file with United States Postal Service. The Short Notice will inform the Settlement Class Members, *inter alia*, of the Opt-Out Date and Objection Date, and will direct the Settlement Class Members to the Settlement Website, where they may view the Long Notice.

15. By **February 23, 2026**, Settlement Class Counsel will move the Court for an award of their reasonable attorney's fees in an amount not to exceed one third (1/3) of the Settlement Fund, reimbursement of documented costs and expenses, and a request for any Service Award, if applicable.

#### **Claims Process And Distribution Plan**

16. The Settlement establishes a process for assessing and determining the validity of two types of claims (Cash Payments and Out-of-Pocket Expenses) and a methodology for paying Settlement Class Members that submit a timely, valid Claim Form. The Court preliminarily approves this process.

17. Settlement Class members that qualify for and wish to submit a Claim Form shall do so in accordance with the requirements and procedures specified in the Notice and the Claim Form.

#### **Exclusions From The Class**

18. Any Settlement Class Member who wishes to be excluded from the Class must, in accordance with the Settlement Agreement, send a written notification of the intent

to exclude themselves to the Settlement Administrator, by mail or email, no later than the Opt-Out Date.

19. All Settlement Class Members who submit valid and timely notices of their intent to be excluded from the Settlement shall not receive any benefits of or be bound by the terms of the Settlement. Any Settlement Class Member that does not timely and validly exclude himself or herself from the Settlement shall be bound by the terms of the Settlement. If final judgment is entered, any Settlement Class Member that has not submitted a timely, valid written notice of exclusion from the Settlement (in accordance with the requirements of the Settlement) shall be bound by all subsequent proceedings, orders, and judgments in this matter, the Settlement including but not limited to the releases set forth in the Settlement Agreement, and the Final Approval Order and Judgment.

#### **Objections To The Settlement**

20. A Settlement Class Member who complies with the requirements of this Order may object to the Settlement, the request of Settlement Class Counsel for an award of attorneys' fees, costs, and expenses, and/or the request for Service Awards. The deadline to file any Objections to the Settlement and respond to Settlement Class Counsel's request for fees, costs, and expenses, and/or Service Awards is **March 27, 2026**.

21. No Settlement Class Member shall be heard and no papers, briefs, pleadings, or other documents submitted by any Settlement Class Member shall be received and considered by the Court unless the objection is (a) filed with the Court by the Objection Date; or (b) mailed first-class postage prepaid to the Clerk of the Court, and postmarked no later than the Objection Date.

22. Any Settlement Class Member who fails to comply with the provisions in this Order will waive and forfeit any and all rights it may have to object, and shall be bound by all the terms of the Settlement Agreement, this Order, and by all proceedings, orders, and judgments, including, but not limited to, the releases in the Settlement Agreement, if finally approved.

### **Stay Of Proceedings**

23. Except as necessary to effectuate this Order, this matter and any deadlines set by the Court in this matter are stayed and suspended pending the Final Approval Hearing and issuance of the Final Approval Order and Judgment, or until further order of this Court.

### **Final Approval Hearing**

24. Final Approval Hearing shall take place before the Court on **April 29, 2026**, at **2:00 p.m.** in Courtroom 205C before Judge Melissa Damian of the United States District Court for the Southern District of Florida, U.S. Federal Building and Courthouse, 299 East Broward Boulevard, Fort Lauderdale, FL 33301, to determine, among other things, whether: (a) the Settlement should be finally approved as fair, reasonable and adequate and, in accordance with the Settlement Agreement's terms, all claims in the Litigation should be dismissed with prejudice; (b) Settlement Class Members should be bound by the releases set forth in the Settlement Agreement; (c) the proposed Final Approval Order and Judgment should be entered; (d) the application of Settlement Class Counsel for an award of attorneys' fees, costs, and expenses should be approved; and (e) the application for Service Awards to the Class Representative should be approved. Any other matters that the Court deems necessary and appropriate will also be addressed at the hearing.

25. Settlement Class Counsel shall submit their application for fees, costs, and expenses and the application for Service Awards **by February 23, 2026**. Objectors, if any, shall file any response to Class Counsel's motions **no later than March 27, 2026**.

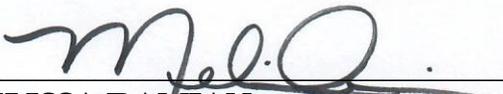
26. Any Settlement Class Member that has not timely and properly excluded himself or herself from the Settlement Class in the manner described below, may appear at the Final Approval Hearing in person or by counsel and be heard, to the extent allowed by the Court, regarding the proposed Settlement; provided, however, that no Settlement Class Member that has elected to exclude himself or herself from the Class shall be entitled to object or otherwise appear, and, further provided, that no Settlement Class Member shall be heard in opposition to the Settlement unless the Settlement Class Member complies with the requirements of this Order pertaining to objections, which are described above and in the Notice.

27. The parties are advised that some of the deadlines in the Settlement Agreement are contradicted by the Settlement Timeline Appendix [ECF No. 20-4 at 49], *e.g.*, whether the Objection Date is 60 days after the Notice Commencement Date or 90 days after the entry of this Order, so this Court has amended some of these deadlines for consistency and to protect the due process rights of the parties and the Settlement Class from inconsistent deadlines in the Settlement Agreement. These pre-Final Approval deadlines are as follows:

<b>Settlement-Related Event</b>	<b>Deadline</b>
Settlement Administrator sends CAFA notice	December 22, 2025
Defendant pays \$40,000 into Settlement Fund	December 24, 2025

Defendant provides Class Member Information to Settlement Administrator	December 30, 2025
Notice Commencement Date, including activation of the Settlement Website	January 26, 2026
Settlement Class Counsel’s Motion for Attorneys’ Fees and Reimbursement of Litigation Expenses, as well as any application for Service Awards	February 23, 2026
Objection date	March 27, 2026
Opt-Out date	March 27, 2026
Settlement Administrator provides Opt-Out List to Parties	April 3, 2026
Motion for Final Approval	April 15, 2026
Claims Period Ends	April 27, 2026
Final Approval Hearing	April 29, 2026

**DONE AND ORDERED** in Chambers in the Southern District of Florida, this 10th day of December, 2025.

  
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**MELISSA DAMIAN**  
**UNITED STATES DISTRICT JUDGE**

cc: Counsel of record