

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE: U.S. OFFICE OF
PERSONNEL MANAGEMENT
DATA SECURITY BREACH
LITIGATION

Misc. Action No. 15-1394 (ABJ)
MDL Docket No. 2664

This Document Relates To:

ALL CASES

FINAL APPROVAL ORDER AND JUDGMENT

This matter came before the Court for hearing pursuant to the Preliminary Approval Order dated June 7, 2022 [Dkt. # 193] (“Preliminary Approval Order”), on the motion of Class Representatives¹ Travis Arnold, Tony Bachtell, Gardell Branch, Myrna Brown, Lilian Colon-McKnight, Paul Daly, Jon Decker (formerly John Doe III), Jane Doe, Jane Doe II, John Doe II, Kelly Flynn, Alia Fuli, Johnny Gonzalez, Orin Griffith, Jennifer Gum, Michael Hanagan, Deborah Hoffman, Cynthia King- Meyers, Todd Kupferer (formerly John Doe), Ryan Lozar, Teresa J. McGarry, Charlene Oliver, Mario Sampedro, Zachary Sharper, Robert Slater, Nancy Wheatley, and Kimberly Winsor and Defendants U.S. Office of Personnel Management (“OPM”) and Peraton Risk Decision, Inc. (“Peraton”) for approval of a proposed class action settlement (the “Settlement”). The Court finds that adequate notice of this Settlement has been provided to potential class members in accordance with the Preliminary Approval Order. Also, after consideration of the submissions of the parties, Plaintiffs’ Motion for Final Approval of Class

1 Unless otherwise noted, all capitalized terms have the meaning ascribed to them in the Settlement Agreement.

Action Settlement [Dkt. # 196], which defendants did not oppose; Third Declaration regarding Notice and Settlement Administration [Dkt. # 202]; Reply in Support of Plaintiffs' Motion for Final Approval [Dkt. # 203]; and Second Supplemental Declaration regarding Notice [Dkt. # 204], and after conducting a Fairness Hearing on October 21, 2022 in accordance with the Preliminary Approval Order and Federal Rule of Civil Procedure 23(e), the Court finds, for reasons stated on the record at the hearing, that the Settlement is fair, reasonable, and adequate, and in the best interests of the Class. Therefore, it is hereby ORDERED as follows:

1. This Final Approval Order and Judgment incorporates by reference the definitions in the Settlement Agreement dated May 5, 2022 [Dkt. # 188-2] (the "Settlement Agreement"), and all defined terms used herein have the same meanings ascribed to them in the Settlement Agreement.

2. This Court has jurisdiction over the subject matter of this litigation and over all Parties thereto.

3. As stated at the Fairness Hearing, the Court affirms the findings in the Preliminary Approval Order that for purposes of the Settlement, all prerequisites for maintenance of a class action set forth in Federal Rules of Civil Procedure 23(a) and (b)(3) are satisfied. The Court hereby makes final its appointments of Class Counsel and the Class Representatives and its preliminary certification of the Class consisting of:

All U.S. citizens and permanent residents whose personal information was compromised as a result of the breaches of the U.S. Office of Personnel Management's electronic information systems in 2014 and 2015 or the breach of Peraton's electronic information systems in 2013 and 2014, and who, after May 7, 2014, suffered out-of-pocket expense or loss of compensable time: (1) to purchase a credit monitoring product, credit or identity theft protection product, or other product or service designed to identify or remediate the data breaches at issue in this case; (2) to access, freeze or unfreeze a credit report with a credit

reporting agency; or (3) as a result of an identity theft incident or to mitigate an identity theft incident.

Excluded from the Class are Class Counsel and their employees; any judicial officers to whom this case is assigned and their respective staffs; mediators and their respective staffs; and attorneys from the Department of Justice and the Office of Personnel Management, and their respective staffs, who worked directly and personally on this matter.

4. Pursuant to Federal Rule of Civil Procedure 23(e), the Court hereby grants final approval of the Settlement and finds that it is, in all respects, fair, reasonable, and adequate, and in the best interests of the Class.

5. The Court finds that notice of the Settlement was given to Class Members in accordance with the Preliminary Approval Order, and that it constituted the best notice practicable of the matters set forth therein, including the Settlement, to all individuals entitled to such notice. It further finds that the notice satisfied the requirements of Federal Rule of Civil Procedure 23 and of due process.

6. The Court directs the Claims Administrator to process and pay all Valid Claims in a prompt manner according to the terms and conditions of the Parties' Settlement Agreement.

7. Upon the Effective Date, all Class Members shall be deemed to have, and by operation of this Final Approval Order and Judgment shall have, fully, finally, and forever released, relinquished, and discharged the Releasees as set forth in the Settlement Agreement.

8. The individuals identified in Appendix 1 hereto requested exclusion from the Class as of the Opt-Out Deadline. These individuals shall not share in the benefits of the Settlement, and this Final Approval Order and Judgment does not affect their legal rights to pursue any claims they may have against Defendants. All other members of the Class are

hereinafter barred and permanently enjoined from prosecuting any released claims in any court, administrative agency, arbitral forum, or other tribunal.

9. Neither an appeal of any portion of this Court's separate order relating to Class Counsel's application for an award of attorneys' fees, costs, and expenses, and/or to Class Counsel's application for incentive awards, *see* Order on Attorneys' Fees, Expenses, and Service Awards [Dkt. # 205], nor a reversal or modification of that order, will operate to terminate or cancel the Settlement or to affect or delay the finality of this Final Approval Order and Judgment.

10. Neither the Settlement, nor any act performed or document executed pursuant to or in furtherance of the Settlement, is, may be deemed to be, or may be used as an admission or evidence of: (a) the validity of any released claim, (b) any liability or wrongdoing of Defendants, or (c) any fault or omission of Defendants in any proceeding in any court, administrative agency, arbitral forum, or other tribunal.

11. Without affecting the finality of this Final Approval Order and Judgment, the Court reserves exclusive jurisdiction over matters related to administration, consummation, enforcement, and interpretation of the Settlement, its associated agreements, and this Final Approval Order and Judgment, including (a) distribution or disposition of the Settlement Fund, including of any unclaimed funds therein, and (b) further proceedings, if necessary, on the application for attorneys' fees, reimbursement of litigation expenses and incentive awards.

12. The Defendants will have no role in, nor will they be held liable in any way for, the determination of monetary relief to be accorded each Claimant. No Class Member or any other person will have any claim against the Named Plaintiffs, Class Counsel, any person designated by Class Counsel, or the Claims Administrator arising from or relating to the


Settlement, the Action, or the determinations or distributions made substantially in accordance with the Settlement or Orders of the Court, including this Final Approval Order and Judgment.

13. If any Party fails to fulfill its obligations under the Settlement, the Court retains authority, upon motion of the other Party or Parties, to vacate the provisions of this Final Approval Order and Judgment releasing, relinquishing, discharging, and barring and enjoining the prosecution of the released claims against the Releasees and to reinstate the released claims against the Releasees.

14. The Preliminary Approval Order stated, “[i]f the Settlement fails to become effective in accordance with its terms, or if the Final Approval Order and Judgment is not entered or is reversed or vacated on appeal, this Order shall be null and void, the Settlement Agreement shall be deemed terminated, and the Parties shall return to their positions without any prejudice, as provided for in the Settlement Agreement.” Preliminary Approval Order ¶ 25. Now that the Final Approval Order and Judgment has been entered, if the Settlement does not become effective under the terms of the Settlement Agreement, or if this Final Approval Order and Judgment is vacated or reversed on appeal, then the Final Approval Order and Judgment shall be rendered null and void to the extent provided by and in accordance with the Settlement Agreement and shall be vacated and, in such event, all orders entered and releases delivered in connection herewith shall be null and void to the extent provided by and in accordance with the Settlement Agreement.

15. The Action is hereby dismissed, with prejudice.

SO ORDERED.


AMY BERMAN JACKSON
United States District Judge

DATE: October 26, 2022

Appendix 1

Record	Name
1	AARON BLAKE REMINGTON
2	ALFREDIA CONNER
3	ALISON WILLIAMS
4	ANDREA GREENE
5	ANDREW PHILIP LOMBARDO
6	BABAK SAMII
7	BENJAMIN P. DAUS
8	BRIAN C BONIFANT
9	BRYAN A. HANSEN
10	CALLIE MCMUNIGAL
11	CARISSA JEAN SOJKA
12	CARLENE MARTIN
13	CAROLYN S. ORTALE
14	CATHERINE LESLIE COTHRAN
15	CHRISTIANE PLOCH
16	CHRISTOPHER M. JONES
17	CHRISTOPHER SCOTT ARMENTA
18	CREGG MICHAEL BROWN
19	CURTIS RIHN
20	CYNTHIA F. YAP
21	DANIEL MUTHLER
22	DANIEL S. HARVEY
23	DANIELLE N. DEMMON
24	DAVID CLAIR
25	DAVID MICHAEL FRENCH
26	DAVID WALTER MAIN
27	DAVID WAYNE LAITY
28	DENISE MARIE WOODY
29	DIANA LARRASQUITU-GARCIA
30	DIANE M. WIEDMEIER
31	DORINDA D MORGAN-HANSEN
32	ERIC D. JOHNSON
33	EVAN LEOPOLD
34	FERN CHAN
35	GAIL MILLER

Record	Name
36	GARY E LANGSTON JR
37	GARY GENE CULPEPPER
38	GEOFFREY L. GLIDDEN
39	GERALD ANTICH
40	GERARD ZANNELLI
41	GLORIA R TAVERA
42	GREGORIO C SALINAS
43	GREGORY KUDRICK
44	GREGORY TORNAMBE
45	HEIDI MCGEORGE
46	JACK ALLEN MENAKO
47	JACOB BREEDEN
48	JEFFERY ALBIN THIELEN
49	JENIFER L. CLAYTON
50	JENNY DWORZAK
51	JERRY P. GONZALES
52	JIMMY R. KELLER
53	JONETTA WALLACE
54	JORGE RAFAEL MAYMIR
55	JOSEPH A BLAHER
56	JOSEPH AXTELL
57	JOSEPH DAVID WAWRO
58	JOSEPH DEVENUTO
59	JOSEPH GREENE
60	JOSHUA L. HIERSTETTER
61	JOSHUA LILLYWHITE
62	JOSHUA M. PRESTON
63	JUSTIN C. WOOD
64	KAREN KRINER
65	KATHERINE ROGEL
66	KENNETH BUCK
67	KEVIN SHERMAN
68	KIMBERLY STILL
69	LANA RENEE DENNIS
70	LAURA ADAMS FRAZIER
71	LEROY MCGEE
72	LISA L DISBROW
73	LORRAINE G. BEZA

Record	Name
74	LUCAS D SMITH
75	MANOLIS Y. PAHAKIS
76	MARCIA L ALBERT
77	MARGARET ANGELINI
78	MARGERY MAY EXTON
79	MARION BRUCE JENKINS
80	MARK BOUCHARD
81	MARSHALL JAY SELIGMANN
82	MARYANN M SHEBEK
83	MEGHAN FACER
84	MICHAEL C. SELLERS
85	MICHAEL ROBERT IRVINE
86	MICHELLE R STOLPA- BRADSHAW
87	MILA D. WERNER
88	NANCIE SENKO
89	NANCY O. GEEHAN
90	NATALIE ELUM
91	NED L. ROBAK
92	NEIL P. O'DONNELL
93	PARAMJIT BHULLAR

Record	Name
94	PATRICK MCGINN
95	PAUL D. WERNER
96	REBECCA RUTECKI
97	REGINALD J. EXTON
98	ROBERT DAVID JONES
99	ROBERT KRINER
100	ROBERT S WILDIN
101	ROY E GIBBS
102	SERENA LYNN CARNEY
103	STACY A LEE
104	STEPHEN BARRIE
105	STEVEN ANDREWS
106	SUZANNE COLEMAN
107	THOMAS SENKO
108	TIMOTHY ALLEN CAMPBELL
109	TIMOTHY C ALLARD
110	TODD A. WANG
111	VICTOR HWA
112	VIRGIL ANGELINI
113	WALKIRIA JORGE
114	LINDA KOPSZYWA