

Noting

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
NO. 1984CV03373C

STACY FOSTER, JAMIE KIMBALL, JONATHAN
RILEY, and NICOLE WESTCOTT, *on behalf of
themselves and all others similarly situated,*

Plaintiffs,

v.

COMMONWEALTH OF MASSACHUSETTS,

Defendant.

NOTICE SENT (3)
06.28.22

~~PROPOSED~~ PRELIMINARY APPROVAL ORDER

The Court, having reviewed the Joint Motion for Entry of Preliminary Approval of the Settlement of this Action, as well as the Stipulation and Settlement Agreement dated June 1, 2022, (the "Settlement Agreement") between Plaintiffs Stacy Foster, Jamie Kimball, Jonathan Riley, and Nicole Westcott, individually and on behalf of the Settlement Class ("Plaintiffs"), and Defendant Commonwealth of Massachusetts ("Defendant" or "the Commonwealth"), and good cause appearing therefore, IT IS HEREBY ORDERED AS FOLLOWS:

1. For purposes of this Order, the Court adopts all the defined terms that are used in the Settlement Agreement and incorporates those terms by reference in this Order.
2. The Court preliminarily approves the Settlement of this Action that is set forth in the Settlement Agreement. Subject to any further submissions that may be made at or prior to the Final Approval Hearing described below, the Court finds that the Settlement is fair, just, reasonable, and adequate to the certified Classes and its members.

3. The Court hereby approves the form of Notice attached hereto as Exhibit A. The Court finds that the Notice is reasonably and practicably calculated to apprise the Settlement Class of the proposed Settlement, and their rights and obligations thereunder, including, *inter alia*, their rights to object to the Settlement and to attend the Final Approval Hearing.

4. The Court approves the plan of notice set forth in Paragraphs 10.1 and 10.2 of the Settlement Agreement as appropriate and as reasonably and practicably calculated to apprise the Settlement Class of the proposed Settlement, and their rights and obligations thereunder, including, *inter alia*, their rights to object to the Settlement and to attend the Final Approval Hearing.

5. No later than fourteen days after receipt of this Order, the Commonwealth shall provide Class Counsel and the Settlement Administrator (when selected) with the names and available identifying information of all members of the Class identified to date.

6. The Settlement Administrator shall implement the plan of Notice in accordance with Paragraphs 10.1 and 10.2 of the Settlement Agreement. The Court finds that dissemination of the Notice and plan of Notice described in Paragraphs 10.1 and 10.2 of the Settlement Agreement constitutes the best notice practicable, and that it is reasonably calculated, under all the circumstances, to apprise Class Members of the terms of the Settlement and afford them an opportunity to present objections, or otherwise avail themselves of their rights under the Settlement.

7. The Court further finds that the plan of Notice meets the requirements of the Massachusetts Rules of Civil Procedure and the requirements of Due Process of the Constitutions of the United States and the Commonwealth of Massachusetts, as well as

any other applicable law and that such Notice constitutes due and sufficient notice to all persons entitled thereto.

8. No later than five (5) days before the Final Approval Hearing described below, Class Counsel shall file an affidavit or declaration from the Settlement Administrator attesting to compliance with and completion of the plan of Notice set forth in the Settlement Agreement.

9. The Final Approval Hearing shall be held at 2 p.m. on 10/6, 2022, in Courtroom 313, Suffolk Superior Court, 3 Pemberton Square, Boston, Massachusetts, to determine whether the proposed Settlement of the Action, as set forth in the Settlement Agreement, should be approved as fair, reasonable and adequate to Class members, and whether the Final Order and Judgment approving the Settlement should be entered. At the Final Approval Hearing, the Court also will determine any timely objections to the Settlement Agreement and all responses to said objections by the Parties.

10. Twenty-one (21) days after the Notice is mailed to the Class, Plaintiffs shall file with the Court and serve on Defense Counsel, their motion for final approval of the Settlement and any supporting materials.

11. Any Class Member wishing to object to the approval of this Settlement Agreement shall inform the Court and the Parties in writing of their objection by following the procedures and objection deadlines set forth in the Notice. Any Class member who fails to object to the Settlement in the manner described in the Notice shall be deemed to have waived any such objection, shall not be permitted to object to any terms or approval of the Settlement, and shall be foreclosed from seeking any review of

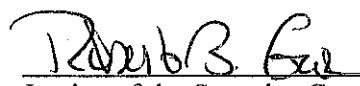
the Settlement by appeal or other means. As set forth in the Notice, any and all objections must be submitted no later than thirty-five (35) days after Notice is mailed to the Class and be sent to Class Counsel, Defense Counsel and the Court. Any Party may file a response to any objection no later than five (5) days prior to the Final Approval Hearing.

12. The Court hereby directs the Parties, Class Counsel and Defense Counsel to proceed in accordance with the terms of the Settlement Agreement, and hereby authorizes them to take all acts reasonably necessary to implement this Preliminary Approval Order.

13. The Court may, for good cause, change the date of the Final Approval Hearing or extend any of the deadlines set forth in this Order without further notice to Class Members.

IT IS HEREBY ORDERED.

Dated: June 6, 2022



Justice of the Superior Court