

CAUSE NO. DC-24-09642

**NORMA COVEY, LEWIS BENAVIDES,
and ROBERT LEIGH-MANUELL** on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

TEXAS RETINA ASSOCIATES,

Defendant.

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

101st JUDICIAL DISTRICT

PRELIMINARY APPROVAL ORDER

Plaintiffs Norma Covey, Robert Leigh-Manuell, and Lewis Benavides, by and through their counsel, have submitted a Class Action Settlement Agreement (the "Settlement") and have applied under Texas Rule of Civil Procedure 42 for an order: (1) preliminarily approving the terms and conditions set forth in the Settlement, (2) certifying a class for purposes of settlement, (3) approving the form and method of notice to the Settlement Class Members, and (4) scheduling a Final Fairness Hearing to consider final approval of the Settlement. The Court has given due consideration to the terms of the Settlement, the exhibits to the Settlement, the submissions in support of preliminary approval of the Settlement, and the record of proceedings, and now finds that the proposed Settlement should be preliminarily approved pending notice to the Settlement Class Members and a final hearing on whether the Settlement is fair, reasonable, and adequate.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. Terms capitalized herein and not otherwise defined shall have the meanings ascribed to them in the Settlement Agreement.

2. This Court has jurisdiction over the subject matter of this lawsuit and jurisdiction over the Plaintiffs, the Settlement Class Members, and Defendant in the above-captioned case (the “Parties”).

3. The Court finds that for the purposes of settlement and notice the requirements of Texas Rule of Civil Procedure 42 have been met, specifically:

- a. The Settlement Class is so numerous that joinder of all members is impracticable, as there are thousands of members;
- b. There are questions of law or fact common to the Settlement Class based upon the claims raised in the lawsuit stemming from the Data Incident;
- c. The Plaintiffs’ claims are typical of the claims of the Settlement Class and stem from the same Data Incident;
- d. The Plaintiffs and Class Counsel will fairly and adequately protect the interests of the Settlement Class as they have the same interests in claims relating to the Data Incident;
- e. A class action provides a fair and efficient method for adjudication of the controversy, as questions of law and fact common to the Settlement Class predominate over any questions affecting only individual members in that the questions all relate to the Data Incident, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy as it will resolve all claims through one proceeding.

The Court therefore **CERTIFIES** the following Settlement Class:

All individuals whose Private Information was accessed and/or acquired by an unauthorized party as a result of the data breach reported by Defendant in April 2024.

The Court appoints Plaintiffs as Class Representatives of the Settlement Class and appoints Raina C. Borrelli of Strauss Borrelli PLLC, John Nelson of Milberg, PLLC, and Charles Schaffer of Levin Sedran & Berman LLP as Settlement Class Counsel.

4. The Court finds that the terms of the Settlement are within the range of a fair, reasonable, and adequate settlement between the Settlement Class and Defendant under the circumstances of this case. The Court therefore preliminarily approves the Settlement and directs the Parties to the Settlement to perform and satisfy the terms and conditions of the Settlement that are triggered by such preliminary approval.

5. The proposed Notice in the forms attached to the Settlement, and the manner of distribution of such Notice by direct mail, are hereby approved by this Court as the best notice practicable to the Class. The proposed Notice attached to the Settlement and the manner of distribution of such by posting to the Settlement Website, is hereby approved by the Court. The form and manner of notice proposed in the Settlement complies with the requirements of due process. The Claim Form is likewise approved by the Court.

6. Pursuant to Texas Rule of Civil Procedure 42, a Final Fairness Hearing shall be held before the undersigned at the George L. Allen Courts Building, 600 Commerce St., 6th Floor West, Dallas, Texas 75202 ~~(or by telephone or video conference, if necessary)~~ on

VIA ZOOM
Sept. 3, 2026 at 8:30 a.m./p.m., for the purposes of: (a) determining whether the Settlement is fair, reasonable, and adequate and should be finally approved; (b) determining whether a Final Approval Order should be entered; and (c) considering Settlement Class Counsel's application for an award of attorneys' fees, costs, expenses, and a service award. The Court may adjourn, continue, and reconvene the Final Approval Hearing pursuant to oral announcement without further notice to the Settlement Class, and the Court may consider and grant final approval

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of the Settlement, with or without minor modification and without further notice to the Settlement

Class. *All parties should submit their email address so that the ZoomLink may be emailed to them.*

7. RG2 Claims Administration LLC is appointed as Claims Administrator and shall cause notice to be sent to each Settlement Class Member as set forth in the Settlement.

8. Settlement Class Members shall be afforded an opportunity to opt-out of the Settlement. Any Settlement Class Member wishing to opt-out shall individually sign and timely submit written notice clearly manifesting their intent to be excluded from the Settlement Class within 60 days after the day on which the notice program commences to the designated Post Office box established by the Claims Administrator. Settlement Class Members who submit valid and timely notices of their intent to opt-out from the Settlement Class shall not receive any cash benefits of and/or be bound by the terms of this Settlement. Settlement Class Members who do not timely and validly opt-out of the Settlement Class shall be bound by all determinations and judgments in the action concerning the Settlement.

9. Settlement Class Members who have not opted-out of the Settlement Class shall be afforded an opportunity to object to the terms of the Settlement. Any objection must include: (i) the objector's full name, address, telephone number, and e-mail address (if any); (ii) information identifying the objector as a Settlement Class Member, including proof that the objector is a member of the Settlement Class (e.g., copy of notice, copy of original notice of the Data Incident); (iii) a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable; (iv) the identity of any and all counsel representing the objector in connection with the objection; (v) a statement as to whether the objector and/or his or her counsel will appear at the Final Fairness Hearing; (vi) a list of all other lawsuits (if any) in which the objector and/or his/her attorney has submitted an objection to a class action settlement

within the last five (5) years; and (vii) the objector's wet-ink signature and, if applicable, the wet-ink signature of the objector's duly authorized attorney or other duly authorized representative. To be timely, written notice of an objection in the appropriate form must be filed with the Clerk of the Court no later than sixty (60) days from the date on which notice program is completed. The objector or his or her counsel must also serve a copy of the objection on Settlement Class Counsel and TRA's counsel. For all objections emailed or mailed to Settlement Class Counsel and/or counsel for TRA, Settlement Class Counsel will file them with the Court as an exhibit to the Motion for Final Approval of the Settlement.

10. Any Settlement Class Member who does not make his or her objection known in the manner provided in the Settlement and Notice shall be deemed to have waived such objection and shall forever be foreclosed from making any objection to the fairness or adequacy of the proposed Settlement.

11. Any request for intervention in this action for purposes of commenting on or objecting to the Settlement must meet the requirements set forth above, including the deadline for filing objections, and also must be accompanied by any evidence, briefs, motions or other materials the proposed intervenor intends to offer in support of the request for intervention.

12. Any lawyer intending to appear at the Final Fairness Hearing must be authorized to represent a Settlement Class Member, must be duly admitted to practice law before the Court, and must file a written appearance. Copies of the appearance must be served on Settlement Class Counsel and counsel for Defendant in accordance with applicable rules of Court.

13. No later than fourteen (14) days prior to the deadlines for a Settlement Class Member to opt-out of or object to the Settlement, Settlement Class Counsel shall file a motion for

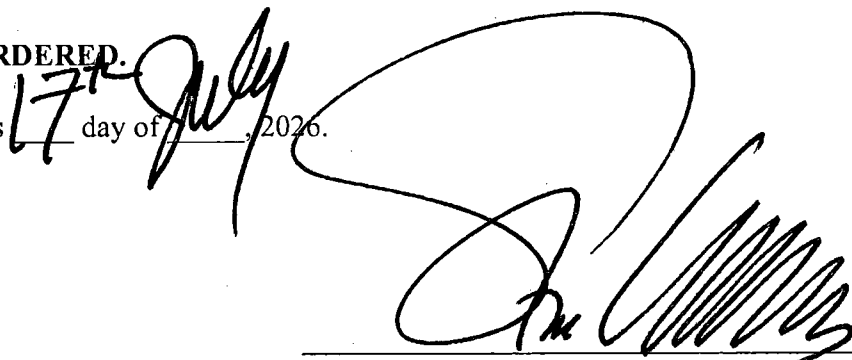
approval of the attorneys' fees, costs, expenses, and service awards to be paid by Defendant, along with any supporting materials, to be considered at the Final Fairness Hearing.

14. If the Settlement does not become effective or is rescinded pursuant to the terms of the Settlement, the Settlement and all proceedings had in connection therewith shall be without prejudice to the status quo ante rights of the Plaintiffs and Defendant, and all orders issued pursuant to the Settlement shall be vacated.

15. The Court retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

IT IS SO ORDERED.

SIGNED this 17th day of July, 2026.



HON. STACI WILLIAMS
JUDGE PRESIDING, 101ST DISTRICT COURT