

CAUSE NO. 111219-D-CV

DENELI SHARBER, SHANNA BYERS,
LYLE SCHAFER and JENNIFER HART,
*individually and on behalf of all others
similarly situated,*

Plaintiffs,

v.

FMC SERVICES, LLC, D/B/A FAMILY
MEDICINE CENTERS,

Defendant.

IN THE DISTRICT COURT OF
POTTER COUNTY, TEXAS

320TH JUDICIAL COURT

**[PROPOSED] FINAL ORDER AND JUDGMENT GRANTING
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Before the Court is Plaintiffs' unopposed motion requesting that the Court enter an Order granting final approval of the class action Settlement involving Plaintiffs Deneli Sharber, Shanna Byers, Lyle Schafer, and Jennifer Hart ("Plaintiffs" or "Settlement Class Representatives") and Defendant FMC Services, LLC ("FMC" or "Defendant") as fair, reasonable, and adequate.

Having reviewed and considered the Settlement Agreement and the motion for final approval of the settlement, and having conducted a Final Approval Hearing, the Court makes the findings and grants the relief set forth below approving the Settlement upon the terms and conditions set forth in this Final Order and Judgment.

THE COURT not being required to conduct a trial on the merits of the case or determine with certainty the factual and legal issues in dispute when determining whether to approve a proposed class action settlement; and

THE COURT being required under Texas Rule of Civil Procedure 42(e) to make the findings and conclusions hereinafter set forth for the limited purpose of determining whether the

Settlement should be approved as being fair, reasonable, adequate and in the best interests of the Settlement Class;

IT IS ON THIS _____ day of _____, 2026,

ORDERED that:

1. The Settlement involves allegations in Plaintiffs' Consolidated Class Action Petition that Defendant failed to safeguard and protect the personally identifiable information and personal health information of approximately 266,540 individuals and that this alleged failure caused injuries to Plaintiffs and the Settlement Class.

2. The Settlement does not constitute an admission of liability by Defendant, and the Court expressly does not make any finding of liability or wrongdoing by Defendant.

3. Unless otherwise noted, words spelled in this Order with initial capital letters have the same meaning as set forth in the Settlement Agreement.

4. On April 10, 2026, the Court entered an Order which among other things: (a) approved the Notice to the Settlement Class, including approval of the form and manner of notice under the Notice Program set forth in the Settlement Agreement; (b) provisionally certified a class in this matter, including defining the class, appointed Plaintiffs as the Settlement Class Representatives, and appointed Settlement Class Counsel; (c) preliminarily approved the Settlement; (d); set deadlines for opt-outs and objections; (e) approved and appointed the Administrator; and (f) set the date for the Final Approval Hearing.

5. In the Order Granting the Motion for Preliminary Approval of Class Settlement Agreement, pursuant to Texas Rules of Civil Procedure 42(b)(3) and 42(e), for settlement purposes only, the Court certified the Settlement Class, defined as follows: All persons whose personally identifiable information or personal health information was compromised in the Data Incident by

unauthorized persons, including all persons who were sent notice of the Data Incident. The Settlement Class specifically excludes: (1) all persons who are directors, officers, and agents of Defendant, or their respective subsidiaries and affiliated companies; (2) governmental entities; and (3) the Judge assigned to the Action, that Judge's immediate family, and Court staff.

6. The Court, having reviewed the terms of the Settlement Agreement submitted by the parties pursuant to Texas Rule of Civil Procedure 42(e)(2), grants final approval of the Settlement Agreement and defines the Settlement Class as defined therein and in the Preliminary Approval Order, and finds that the settlement is fair, reasonable, and adequate and meets the requirements of Texas Rule of Civil Procedure 42.

7. The Settlement Agreement provides, in part, and subject to a more detailed description of the settlement terms in the Settlement Agreement, for:

- a. FMC to fund a \$2,150,000.00 non-reversionary Settlement Fund (minus any payments already made for Settlement Administration Costs pursuant to Paragraph 70 of the Settlement) to be used by the Settlement Administrator to pay for: (1) all Settlement Class Member Benefits to Settlement Class Members who submit Valid Claims; (2) all remaining Settlement Administration Costs; and (3) any attorneys' fees, costs, expenses, and Service Awards approved by the Court.
- b. A process for Settlement Class Members to submit claims for compensation that will be evaluated by an Administrator mutually agreed upon by Settlement Class Counsel and Defendant.
- c. Defendant to pay a Court-approved amount of attorneys' fees not to exceed one-third of the Settlement Fund (\$716,666.66), plus reimbursement of costs and expenses, to be paid from the Settlement Fund.
- d. Defendant to pay Service Awards not to exceed \$10,000 to each of the named Plaintiffs, to be paid from the Settlement Fund.

8. The Court, having reviewed and considered the motion for attorneys' fees, costs, and service awards, grants the same and grants the relief set forth below:

- a. Plaintiffs' request for attorneys' fees in the amount of \$716,666.66 is granted.
- b. Plaintiffs' request for litigation costs in the amount of \$27,125.39 is granted.

- c. Plaintiffs' request for service awards in the amount of \$10,000 per Class Representative (\$40,000 total) is granted.

9. The terms of the Settlement Agreement are fair, reasonable, and adequate and are hereby approved, adopted, and incorporated by the Court. The Parties, their respective attorneys, and the Administrator are hereby directed to consummate the Settlement in accordance with this Order and the terms of the Settlement Agreement.

10. Notice of the Final Approval Hearing, the proposed motion for attorneys' fees, costs, and expenses, and the proposed Service Award payments to Plaintiffs have been provided to Settlement Class Members as directed by this Court's Orders, and an affidavit or declaration of the Settlement Administrator's compliance with the Notice Program has been filed with the Court.

11. The Court finds that such Notice as therein ordered, constitutes the best possible notice practicable under the circumstances and constitutes valid, due, and sufficient notice to all Settlement Class Members in compliance with the requirements of Texas Rule of Civil Procedure 42(c)(2)(B).

12. As of the final date of the Opt-Out Period, five Settlement Class Members have submitted a valid Opt-Out Request to be excluded from the Settlement. A list of the Settlement Class Members who submitted valid Opt-Out Requests are attached hereto as Attachment A. Those individuals will not be bound by the Settlement Agreement and the Releases contained therein.

13. As of the final date of the Objection Period, zero Settlement Class Members have submitted a valid objection to the Settlement.

14. The Court has considered all the documents filed in support of the Settlement, and has fully considered all matters raised, all exhibits and affidavits filed, all evidence received at the Final Approval Hearing, all other papers and documents comprising the record herein, and all oral arguments presented to the Court.

15. Pursuant to the Settlement Agreement, Defendant and the Administrator shall implement the Settlement in the manner and time frame as set forth therein.

16. The Court approves the Electronic Privacy Information Center as the Non-Profit Residual Recipient after all payments, including subsequent payments to Settlement Class Members, are completed.

17. In the event there are funds remaining in the Settlement Fund 240 days following the Effective Date, and after any additional payments are made pursuant to the Settlement, any residual shall be distributed to the Electronic Privacy Information Center.

18. Pursuant to the Settlement Agreement, Plaintiffs and the Settlement Class Members release claims against Defendant and all Released Persons, as defined in the Settlement Agreement.

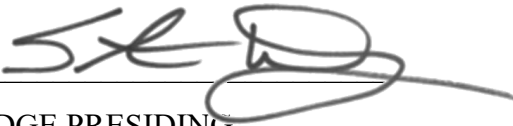
19. On the Effective Date and in consideration of the promises and covenants set forth in this Settlement Agreement, the Releasing Parties will be deemed to have, and by operation of the Final Order and Judgment shall have, fully, finally, completely, and forever released and discharged the Released Persons from the Released Claims.

20. The matter is hereby dismissed with prejudice and without costs and attorneys' fees except that the Court reserves jurisdiction over the consummation and enforcement of the Settlement.

21. In accordance with Tex. R. Civ. P. 42, this Final Order and Judgment resolves all claims against all parties in this Action and is a final order. There is no just reason to delay the entry of final judgment in this matter, and the Clerk is directed to file this Order as the final judgment in this matter.

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Done and ordered this ____ day of _____, 2026.


JUDGE PRESIDING

APPROVED AS TO FORM:

/s/ J. Daren Brown

J. Daren Brown

**STOCKARD, JOHNSTON, BROWN,
NETARDUS & DOYLE, P.C.**

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Counsel for Defendant

**Pro Hac Vice Admission*

ATTACHMENT A

Count	First Name	Last Name
1	Steven	Cortez
2	Diane	Harrell
3	Rachael	Brown (Rahlf)
4	Elissa	Haskins
5	Paul	Mitchell

Automated Certificate of eService

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Courtney Neely on behalf of John Brown

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FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Status as of 9/15/2026 3:23 PM CST

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Courtney Neely on behalf of John Brown

Bar No. 24036271

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