

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

<div>Arielle Fields et al Plaintiff/Petitioner(s) VS. The Regents of the University of California et al Defendant/Respondent (s)</div>	<div>No. RG21097796</div> <div>Date: 06/10/2025 Time: 2:30 PM Dept: 21 Judge: Somnath Raj Chatterjee</div> <div>ORDER re: Hearing on Motion for Order Motion for Preliminary Approval; filed by Miguel Ochoa (Plaintiff) + filed by Miguel Ochoa (Plaintiff); Jamie Mcdole (Plaintiff); Alvaro Galvis (Plaintiff) et al. on 06/03/2025</div>
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The Motion for Preliminary Approval of Settlement filed by Elizabeth Montoya, Rose Becker, Karlina Chavez, Jamie Mcdole, Alvaro Galvis, Miguel Ochoa on 02/06/2025 is Granted.

The Motion for preliminary approval of class settlement is GRANTED.

The order of 4/22/25 identified concerns. The filing on 6/3/25 addresses the concerns.

There is one exception. Amended para 86 states: "If, at the discretion of the Settlement Administrator in consultation with the parties, the amount of a subsequent Settlement Payment distribution would be too small to make individual distributions to Participating Settlement Class Members economically viable, the remaining Net Settlement Fund shall be distributed to the Non-Profit Residual Recipient." The Court ORDERS that no funds be distributed to the cy pre beneficiary until after Court approval of a final accounting. (CCP 384(b).)

The motion of plaintiffs for preliminary approval of class action settlement is GRANTED.

BACKGROUND

The Regents operates the UC system. The UC system operates medical centers. The UC system

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used Accellion—a cloud solutions company—to collect and transfer personally identifiable information (“PII”).

In mid-December 2020, Accellion learned of two security vulnerabilities in its Accellion FTA software. In January 2021, after learning of additional vulnerabilities, Accellion issued a critical security alert on January 22 advising FTA customers—including UC—to shut down their FTA systems immediately.

UC allegedly ignored these warnings and failed to transition from the outdated FTA system to kiteworks (or another secure file-sharing platform) prior to the Data Breach. The UC system did not announce the breach until March 31, 2021.

MOTION FOR APPROVAL OF SETTLEMENT

The complaint alleges various claims related to the data breach.

The case preliminarily settled for a total of \$5,800,000. The settlement agreement states plaintiffs will seek attorneys' fees of up to \$1,933,000 (33.3%), costs of up to \$250,000, Service Payment of \$2,500 to each Plaintiff, settlement administration costs of up to \$405,600. After these expenses, the amount available to be distributed to the Class would be \$3,400,000. There are an estimated 353,265 Class Members. (Grille Dec para 78-82)

The motion makes an adequate analysis as required by *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116. (Grille Dec, para 53-56)

The proposed class notice form and procedure are adequate.

The proposed class is appropriate for class certification.

The agreed plan for distributing the settlement funds to the members of the class and the CMIA subclass is appropriate.

The scope of the named plaintiff release is appropriate. The agreement for the named plaintiff may include a Civil Code 1542 waiver.

The scope of the class release is appropriate. The scope of the class release is limited to the claims arising out of the claims in the complaint where the named plaintiffs are typical and can adequately represent the class. (*Amaro v. Anaheim Arena Management, LLC* (2021) 69 Cal.App.5th 521, 537-538.) The release of claims by the class is limited by the "factual predicate rule." (*Hesse v. Sprint Corp.* (9th Cir. 2010) 598 F.3d 581, 590.) (See also *Hendricks v. Starkist Co* (N.D. Cal. 2016) 2016 WL 692739 at * 2-4 [Denying motion for final approval of class settlement because scope of release overbroad].)

The Court will not approve the amount of attorneys' fees and costs until the final approval hearing. The Court cannot award attorneys' fees without reviewing information about counsel's hourly rate and the time spent on the case. This is the law even if the parties have agreed that Defendants will not oppose the motion for fees. (*Robbins v. Alibrandi* (2005) 127 Cal. App. 4th 438, 450-451.)

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"Because absent class members are not directly involved in the proceedings, oversight to ensure settlements are fair and untainted by conflict is the responsibility of both the class representative and the court." (Mark v. Spencer (2008) 166 Cal.App.4th 219, 227.)

"[T]horough judicial review of fee applications is required in all class action settlements and the fairness of the fees must be assessed independently of determining the fairness of the substantive settlement terms." (Consumer Privacy Cases (2009) 175 Cal.App.4th 545, 555-556.)

The Court will not decide the amount of any service award until the final approval hearing. Plaintiff must provide evidence regarding the nature of his participation in the action, including a description of his specific actions and the amount of time he committed to the prosecution of the case. (Clark v. American Residential Services LLC (2009) 175 Cal.App.4th 785, 804-807.)

The Court ORDERS that the final approval hearing is set for 12/9/25.

The Court ORDERS that uncashed funds not be distributed to the cy pre beneficiary until after Court approval of a final accounting.

The Court ORDERS that 10% of any fee award to be kept in the administrator's trust fund until the completion of the distribution process and Court approval of a final accounting.

The Court will set a compliance hearing after the completion of the distribution process and the expiration of the time to cash checks for counsel for plaintiff and the Administrator to comply with CCP 384(b) and to submit a summary accounting how the funds have been distributed to the class members and the status of any unresolved issues. If the distribution is completed, the Court will at that time order distribution of the cy pres funds and release any hold-back of attorney fees.

The court ORDERS that at the time of the final accounting that counsel for plaintiff transmit a copy of this order and the final judgment and the final accounting to the Judicial Council. (CCP 384.5; Govt Code 68520.)

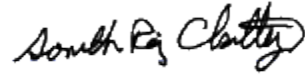
The court will sign the proposed order, which is modified by this order. Plaintiff must reserve a hearing for the motion for final approval.

The Court orders counsel to obtain a copy of this order from the eCourt portal.

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Dated : 06/10/2025

A handwritten signature in black ink, appearing to read "Somnath Raj Chatterjee". The signature is fluid and cursive, with the last name "Chatterjee" being more prominent.

Somnath Raj Chatterjee / Judge