

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**Document Scanning Lead Sheet**

Feb-13-2018 4:06 pm

Case Number: CGC-16-551952

Filing Date: Feb-13-2018 4:04

Filed by: WILLIAM TRUPEK

Image: 06216590

ORDER


**MATTHEW PAGOAGA VS. STEPHENS INSTITUTE DBA ACADEMY OF ART  
UNIVERSITY**

001C06216590

**Instructions:**

Please place this sheet on top of the document to be scanned.

FEB 13 2018

CLERK OF THE COURT  
BY:   
Deputy Clerk

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

MATTHEW PAGOAGA and ANTHONY  
JONES, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

STEPHENS INSTITUTE d/b/a ACADEMY  
OF ART UNIVERSITY,

Defendant.

STEPHENS INSTITUTE d/b/a ACADEMY  
OF ART UNIVERSITY,

Cross-Complainant,

v.

NAVISITE, LLC,

Cross-Defendant.

Case No. CGC 16-551952

**ORDER GRANTING RENEWED  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Plaintiffs Matthew Pagoaga and Anthony Jones submit an unopposed renewed motion for preliminary approval of class action settlement, the procedural history of which is summarized as follows: On August 22, 2017, Plaintiffs filed an unopposed motion for preliminary approval of class action settlement. On September 30, 2017, the Court heard the motion and issued an order denying the motion without prejudice.

Plaintiffs thereafter filed a supplemental brief and renewed unopposed motion for preliminary approval of class action settlement that came on for hearing on January 16, 2018. The Court issued an order continuing the motion so that the parties could address several issues raised by the Court. On February 6, 2018, Plaintiffs filed a supplemental memorandum in support of

1 their renewed motion for preliminary approval, along with revised settlement documents, which  
2 adequately addressed the issues raised by the Court.

3 Accordingly, based on the filings submitted and the arguments of counsel, the Court orders  
4 as follows:

5 1. The renewed motion for preliminary approval of class action settlement is  
6 GRANTED pursuant to California Rule of Court 3.769.

7 2. The Court finds on a preliminary basis that the settlement memorialized in the  
8 Settlement Agreement, filed as Exhibit A to Plaintiffs' February 6, 2018 supplemental  
9 memorandum, is fair, adequate, and reasonable, and the settlement amount falls within the  
10 "ballpark of reasonableness" as required by *Kullar v. Foot Locker Retail, Inc.*, 168 Cal. App. 4th  
11 116, 133 (2008), such that it meets the requirements for preliminary approval.

12 3. The Court provisionally certifies, for settlement purposes only, a Settlement Class  
13 defined as follows: "All current and former employees whose Personal Information was  
14 compromised as a result of the security incident announced by Stephens Institute d/b/a Academy  
15 of Art University in April 2016."<sup>1</sup>

16 4. The Court appoints Plaintiffs Matthew Pagoaga and Anthony Jones as the Class  
17 Representatives for settlement purposes.

18 5. The Court appoints Norman E. Siegel and J. Austin Moore of Stueve Siegel  
19 Hanson LLP and Daniel C. Girard of Girard Gibbs LLP as Settlement Class Counsel.

20 6. The Court appoints Angeion Group as the Settlement Administrator.

21 7. The Court finds that the manner and content of the Notice of Class Action  
22 Settlement ("Notice"), attached as Exhibit 1 to the Settlement Agreement, provides the best  
23 practicable notice to the Class. The Notice is approved. The Court directs the Notice to be mailed  
24 by first class mail and via e-mail to the Settlement Class Members, as defined in the Settlement, in  
25 accordance with the schedule set forth below.

26 \_\_\_\_\_  
27 <sup>1</sup> "Personal Information" is defined in paragraph 19 of the Settlement Agreement as "names, dates of birth, Social  
28 Security numbers, addresses, employment information, and other information contained in Internal Revenue Service  
Wage and Tax Statements (W-2 Forms) that were accessed without authorization as a result of the E-mail Security  
Incident."

1           8.       The parties must ensure the Administrator maintains a website at least through 30  
 2 days after the “Tail Deadline”, set forth in the following paragraph, which makes available all  
 3 papers (motions, orders, etc.) filed in connection with the motions for preliminary and final  
 4 approval, and that the link to that site appears on the Notice in the footer. Papers filed in  
 5 connection with final approval must appear on that website within 24 hours of filing.

6           9.       The Court orders the following schedule of dates for the specified actions/further  
 7 proceedings:


<u>EVENT</u>	<u>TIMING</u>
Deadline for AAU to provide the Settlement Administrator the class name, address, and e-mail information set forth in paragraph 48 of the Settlement Agreement	February 20, 2018
Deadline for the Settlement Administrator to mail Court-approved Notice to Settlement Class	March 6, 2018
Notice deadline	March 15, 2018
Deadline to file Plaintiffs’ motion for attorneys’ fees, costs, expenses and service awards	April 23, 2018
Objection deadline	May 14, 2018
Opt-out deadline	May 14, 2018
Deadline for any briefs in opposition Plaintiffs’ motion for attorneys’ fees, costs, expenses and service awards	July 2, 2018
Initial claims deadline	June 13, 2018
Deadline for Class Counsel to file motion for final approval of settlement and responses to any timely submitted Class member objections	June 21, 2018
Deadline to file a reply memorandum in support of Plaintiffs’ motion for attorneys’ fees, costs, expenses and service awards	July 9, 2018
Tail deadline (period during which Class Members can make claims for Out-of-Pocket Losses incurred after Claims Deadline if certain conditions are met)	March 14, 2020

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Final approval hearing	July 16, 2018 at 9:00 a.m.
------------------------	----------------------------

The Court may continue or adjourn the final approval hearing without further notice to the Class Members.

Dated: February 13, 2018

  
\_\_\_\_\_  
Curtis E.A. Karnow  
Judge of the Superior Court

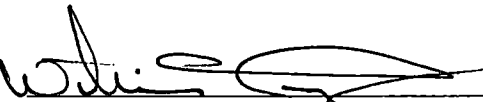
**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, WILLIAM TRUPEK, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On FEB 13 2018, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: FEB 13 2018

T. Michael Yuen, Clerk

By:   
WILLIAM TRUPEK, Deputy Clerk