

FILED

06-25-2025

Anna Maria Hodges

Clerk of Circuit Court

2023CV002394

DATE SIGNED: June 25, 2025

Electronically signed by Hon. Michael J. Hanrahan
Circuit Court Judge

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY
CIVIL DIVISION

SHARON KLECHA,
TODD REYNOLDS and
KATHERINE PRBYLSKI,
Individually, and on behalf of all other
similarly situated persons or entities,

Plaintiff,

v.

FROEDTERT MEMORIAL LUTHERAN
HOSPITAL, INC. and ABC INSURANCE CO.,

Defendants and Third-Party Plaintiffs,

v.

VERISMA SYSTEMS, INC.,

Third-Party Defendant.

Case No.: 23-CV-2394

Intentional Tort: 30106

Unclassified: 30703

**ORDER CERTIFYING SETTLEMENT CLASS, APPOINTING CLASS
COUNSEL, PRELIMINARILY APPROVING CLASS SETTLEMENT, AND
DIRECTING CLASS NOTICE**

This matter having come on to be heard on the 25th day of June, 2025, before that branch of the Milwaukee County Circuit Court, Hon. Michael J. Hanrahan presiding, on the Motion of the Plaintiffs to Certify a Settlement Class Under Wis. Stat. § 803.08, and for Appointment of Class Counsel, and for Preliminary Approval of Class Settlement, and the plaintiffs appearing by Cannon & Dunphy, S.C., by Attorney Julie A. Leary; the defendant

Froedtert Memorial Lutheran Hospital, Inc., appearing by von Briesen & Roper, by Attorney Kelly J. Noyes, and the defendant Verisma Systems, Inc., appearing by Hinshaw and Culbertson, LLP, by Attorney Corey J. Swinick.

Now, based upon the proceedings heretofore had, taken and filed,

IT IS ORDERED:

1. That the Plaintiffs' Motion to Certify a Settlement Class is GRANTED.
2. The Court finds that the requirements of Wis. Stat. § 803.08(1)(a)-(d) and (2)(c) are met as to the following Settlement Class, which is hereby certified as a class for purposes of settlement:

Any person or entity who

1. Either:
 - a. requested his or her own patient health care provider records, or authorized another in writing to obtain his or her own health care provider records, from Froedtert Memorial Lutheran Hospital, Inc.; Community Memorial Hospital of Menomonee Falls, Inc.; St. Joseph's Community Hospital of West Bend, Inc.; or Froedtert and The Medical College of Wisconsin Community Physicians, Inc. ("the Froedtert Defendants"); or
 - b. was authorized in writing by the patient to request and obtain the patient's health care provider records from the Froedtert Defendants; and
2. was charged by Verisma a "paper copy" rate under Wis. Stat. § 146.83(3f)(b)1. (the "Challenged Fee") for electronic copies of patient health care records between April 4, 2017 and April 5, 2018, or April 4, 2020 and the present, either directly or indirectly; and
3. paid the Challenged Fee, either directly or indirectly.

Excluded from the Settlement Class are:

1. The Froedtert Defendants' officers and directors;
2. Counsel of record in the Lawsuits; and

3. The judge(s) presiding or who have presided over the Lawsuits and their law clerk(s).

2. That Plaintiffs Sharon Klecha, Todd Reynolds, Katherine Prbylski, and James Jasen are appointed as representatives for the Settlement Class.

3. That Attorney Brett A. Eckstein of the law firm of Cannon & Dunphy, S.C., is appointed as class counsel for the Settlement Class.

5. That the Court preliminarily approves the Settlement Agreement between the parties as fair, reasonable, and adequate.

6. The Court further orders that notice be provided to class members in accordance with the Settlement Agreement. The notice described in the Settlement Agreement satisfies the requirements of Wis. Stat. § 803.08(4)(b) and is consistent with due process.

7. Any Settlement Class members who wish to be excluded from the Settlement Class and not bound by the Settlement Agreement must opt out, as provided by the Settlement Agreement, by the claim form deadline identified in the notice documents.

8. That the Court will hold a final fairness hearing on October 7, 2025, at 9:00 a.m. Class Counsel shall file a motion for final approval of the class settlement and petition for approval of the incentive payments and Class Counsel award at least fourteen days before the final fairness hearing. Settlement Class members who wish to object to the Settlement Agreement must file any such objection by the deadline identified in the notice documents. Any responses to objections must be filed with the Court at least seven days before the final fairness hearing.