

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

THOMAS M. WILSON, SR.,
DANIEL HALSEY as ADMINISTRATOR
of the ESTATE OF TAMARA HALSEY,
JASON GRAZUTIES, SANDRA
SHEPPARD, PAMELA BRADLEY, as
Executrix of the Estate of ROBERT BRADLEY,
DEBORAH MARTIN, as Executrix of the
Estate of ARVADA MARTIN, LISA NEW,
and ROBERT STRATTON, individually and on
behalf of all others similarly situated;

Plaintiffs,

v.

CIVIL ACTION NO. 2:16-cv-05279

MRO CORPORATION,
CIOX HEALTH, LLC,
MEDI-COPY SERVICES, INC.,

Defendants.

JUDGMENT ORDER

Upon the parties having made a motion for final approval of a class action settlement and the Court having conducted the final fairness hearing on December 12, 2024. It is ORDERED, ADJUDGED and DECREED:

1. The Court has jurisdiction over the subject matter of the action and all matters relating to the settlement, as well as personal jurisdiction over the parties and Settlement Class members.

EXHIBIT B
(There is no Exhibit A)

2. For purposes of final approval, this Order adopts the terms and definitions as set forth in the Settlement Agreement and Mutual Release of All Claims executed by the parties and filed with the Court on October 26, 2023. To the extent that any subsequent amendments changed any terms or definitions, and the amendment was filed with the Court, this order adopts those terms and conditions.

3. The Court hereby affirms its determination in the Preliminary Approval Order certifying the settlement only, the action as a Class Action pursuant to Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure on behalf of the Settlement Class consisting of:

All Attorneys and Insurance Companies, pursuant to written authorization, or Patients who on one or more occasions during the Class Period, sought, in writing, copies of a patient's medical records from a West Virginia medical provider listed in Exhibit A to the Amended Agreement, and had their Release of Information Request ("ROI Request") processed and billed by any of the Defendants, and who subsequently: (1) paid one or more Defendants for copies of patient medical records and were not reimbursed for same, or (2) reimbursed their legal representative for the costs advanced on their behalf to retain obtain copies of medical records, excluding (1) Counsel for the Parties, including their respective law firms during the Class Period, (ii) any and all Persons that paid for the requested copies of medical records pursuant to a specific pricing agreement or a "reduced or negotiated rate" less than or equal to the negotiated per page value identified for each respective Subclass, and (iii) those persons who validly and timely elect to opt out or otherwise exclude themselves from the Settlement Class.

4. The Settlement class also includes subclasses as further defined in paragraph 4 of the Court's Preliminary Approval Order dated March 5, 2024.

5. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, for the purposes of the settlement only, the Court hereby affirms its determination in the Preliminary Approval Order certifying the Plaintiff's Class Representatives for the Settlement Class and appointing Lead Counsel for the Settlement Class. Lead Plaintiffs and Lead Counsel have fairly and adequately represented this Settlement Class both in terms of litigating the action and for purposes of entering

into and implementing the Settlement Agreement and satisfying the requirements of Federal Rules of Civil Procedure 23(a)(4) and 23(g).

6. The Court finds that the dissemination of the Notice: (a) was implemented in accordance with the Preliminary Approval Order and subsequent Orders of the Court; (b) constituted the best notice practicable under the circumstances; (c) constituted notice that was reasonably calculated, under the circumstances, to apprise the Settlement Class members of: (i) the pendency of this Action; (ii) the effect of the proposed Settlement, including Releases to be provided thereunder; (iii) Lead Counsel's Motion for Award of Attorney Fees and Reimbursement of Litigation Expenses; (iv) their right to object to any aspect of the settlement, the plan of allocation and/or Lead Counsel's Motion for Attorney Fees and Reimbursement of Litigation Expenses; (v) their right to exclude themselves from the Settlement Class; and (vi) their right to appear at the settlement hearing; (d) constituted due, adequate, and sufficient notice to all persons and entities entitled to receive notice under the settlement; and (e) satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure.

7. All Released Claims of all Class Members against Defendants and the Released Parties shall be dismissed with prejudice. Additionally, the settlement shall bind each Class Member, and all Class Representatives and their respective heirs, executors, administrators, successors, and assigns and shall be deemed to have fully compromised, settled, and released all claims against the Defendants and Released Parties. Class Members and all Class Representatives shall be enjoined from hereinafter prosecuting release claims against Defendants and Released Parties which were asserted or could have been asserted in this matter. This Judgment shall bind all Class Members with the exception of Class Members who were excluded from the Settlement Class as provided in ECF 325-1 Exhibit B.

8. Upon the Effective Date, all future claims and claims by any individual or entity against the Defendants and Released Parties, however denominated, on whatever theory based on or arising out of the claims or allegations by the Plaintiffs in this Class Action or any other claim or type whether arising under State or Federal common law for which injury is claimed or threatened liability are permanently barred, extinguished or discharged. Additionally, all claims by any individual or entity against Class Members and Class Representatives for contribution or indemnity are permanently barred, extinguished or discharged.

9. Without affecting the finality of this Judgment, this Court retains continuous and exclusive jurisdiction over the parties for the purposes of administration, interpretation, implementation, and enforcement of this Settlement and disposition of settlement funds.

10. All the claims in this action shall be herein dismissed with prejudice, and there is no reason to delay entry of this Judgment as a Final Judgment in this action.

Dated: _____

John T. Copenhaver, Jr.
Senior United States District Judge