

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 24-CV-013793-590

LYNNE CURRAN, DEBBIE
JEFFERSON, CATHERINE DUNN,
DAVE VALENTINE, and DONALD
WESCOTT,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL
INC.,

Defendant.

FILED

DATE: June 26, 2024

TIME: 10:01:35 AM

MECKLENBURG COUNTY

CLERK OF SUPERIOR COURT

BY: V. Fairley

[PROPOSED] ORDER

This matter is before the Court for consideration of whether the Settlement Agreement reached by the parties (“Settlement”) should be preliminarily approved, the proposed Settlement Class preliminarily certified, and the proposed plan for notifying the Settlement Class approved. Having reviewed the proposed Settlement Agreement, together with its exhibits, and based upon the relevant papers and all prior proceedings in this matter, the Court has determined the proposed Settlement satisfies the criteria for preliminary approval, the proposed Settlement Class should be preliminarily certified, and the proposed notice plan approved.¹ Accordingly, good cause appearing in the record, **IT IS HEREBY ORDERED THAT:**

Provisional Certification of the Settlement Class

(1) The Court provisionally certifies, solely for the purposes of settlement, the following Settlement Class:

All Persons who were sent notice by Honeywell that their personally identifiable information was involved in the Data Incident. Excluded from

¹ Unless otherwise indicated, capitalized terms used herein have the same meaning as in the Settlement.

the Settlement Class are: (i) officers and directors of Defendant; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; and (iii) the members of the judiciary who have presided or are presiding over this matter and their families and staff.

The Settlement Class contains approximately 118,379 individuals (each, a “Settlement Class Member”).

(2) Subject to final approval, the Court determines that, for settlement purposes only, the proposed Settlement Class meets all the requirements of N.C. R. Civ. P. 23, namely that the class is so numerous that joinder of all members is impractical; that there are common issues of law and fact; that the claims of the class representatives are typical of absent class members; that the class representatives will fairly and adequately protect the interests of the class as they have no interests antagonistic to or in conflict with the class and have retained experienced and competent counsel to prosecute this matter; that common issues predominate over any individual issues; and that a class action is the superior means of adjudicating the controversy.

(3) Lynne Curran, Debbie Jefferson, Catherine Dunn, Dave Valentine, and Donald Wescott are designated and appointed as the Settlement Class Representatives.

(4) William Federman of Federman & Sherwood and Kevin Laukaitis of Laukaitis Law LLC are designated as Settlement Class Counsel. The Court finds that Mr. Federman and Mr. Laukaitis are experienced and will adequately protect the interests of the Settlement Class.

Preliminary Approval of the Proposed Settlement

(5) Upon preliminary review, the Court finds the proposed Settlement is fair, reasonable, and adequate, otherwise meets the criteria for approval, and warrants issuance of notice to the Settlement Class. Accordingly, the proposed Settlement is preliminarily approved.

Final Approval Hearing

(6) A Final Approval Hearing shall take place before the Court on November 1, 2024, at 9:30 a.m. in the Superior Court of North Carolina, Mecklenburg County, 832 East Fourth St., Charlotte, NC 28202, to determine, among other things, whether: (a) the proposed Settlement Class should be finally certified for settlement purposes pursuant to N.C. R. Civ. P. 23; (b) the Settlement should be finally approved as fair, reasonable and adequate and, in accordance with the Settlement's terms, all claims in the Complaint should be dismissed with prejudice; (c) Settlement Class Members should be bound by the releases set forth in the Settlement Agreement; (d) a Final Approval Order and Judgment should be entered; (e) the application of Settlement Class Counsel for an award of attorney's fees, costs, and expenses should be approved; and (f) the application for Service Awards should be approved. Any other matters the Court deems necessary and appropriate will also be addressed at the hearing.

(7) Settlement Class Counsel shall submit their application for fees, costs, and expenses and the application for Service Awards no later than 14 days before the last day for Settlement Class Members to object to the Settlement or to opt out.

(8) Any Settlement Class Member that has not timely and properly excluded himself or herself from the Settlement in the manner described below, may appear at the Final Approval Hearing in person or by counsel and be heard, to the extent allowed by the Court, regarding the proposed Settlement; provided, however, that no Settlement Class Member that has elected to exclude his or herself from the Settlement shall be entitled to object or otherwise appear, and, further provided, that no Settlement Class Member shall be heard in opposition to the Settlement unless the Settlement Class Member complies with the requirements of this Order pertaining to objections, which are described below.

Administration

(9) RG/2 Claims Administration LLC is appointed as the Claims Administrator, with responsibility for reviewing, determining the validity of, and processing all claims submitted by Settlement Class Members, and all other obligations of the Claims Administrator as set forth in the Settlement Agreement. All Costs of Claims Administration incurred by the Claims Administrator will be paid as provided in the Settlement Agreement.

Notice to the Class

(10) The notice plan, along with the Short Notice, Long Notice, and Claim Form attached to the Settlement Agreement as Exhibits A, B, and C, satisfy the requirements of N.C. R. Civ. P. 23 and due process and thus are approved. Non-material modifications to these exhibits may be made without further order of the Court. The Claims Administrator is directed to carry out the notice plan and to perform all other tasks that the Settlement requires.

(11) The Court finds that the form, content, and method of giving notice to the Settlement Class as described in the notice plan, Short Notice, Long Notice, and Claim Form: (a) constitute the best practicable notice to the Settlement Class; (b) are reasonably calculated, under the circumstances, to apprise Settlement Class Members of the pendency of the Litigation, the terms of the proposed Settlement, and their rights under the proposed Settlement; (c) are reasonable and constitute due, adequate, and sufficient notice to those persons entitled to receive notice; and (d) satisfy the requirements under N.C. R. Civ. P. 23, the constitutional requirements of due process, and any other legal requirements. The Court further finds that the notice is written in plain language, uses simple terminology, and is designed to be readily understandable by Settlement Class Members.

Exclusions from the Class

(12) Any Person that wishes to be excluded from the Settlement shall individually sign and timely submit written notice of such intent to the designated address established by the Claims Administrator, postmarked no later than 60 days after the Notice Date (the “Opt-Out Date”). The written notification must include the name of this Litigation (*Curran v. Honeywell International Inc.*, Case No. 24-CV-013793-590 (Mecklenburg County)), the full name and address of the Person seeking exclusion from the Settlement; be personally signed by the Person seeking exclusion; include a statement in the body of the document clearly indicating the Person’s intent to be excluded from the Settlement; and request exclusion only for that one Person whose personal signature appears on the request. Any Person who does not submit a valid and timely request for exclusion in the manner described herein shall be bound by the Settlement, including all releases and covenants therein, as well as all subsequent proceedings, orders, and judgments applicable to the Settlement Class.

(13) All Persons who submit valid and timely requests for exclusion from the Settlement shall not: (i) be bound by any orders or judgments entered in connection with the Settlement; (ii) be entitled to any relief under, or be affected by, the Settlement; (iii) gain any rights by virtue of the Settlement; or (iv) be entitled to object to any aspect of the Settlement.

(14) The Claims Administrator shall provide the parties with copies of all requests for exclusion promptly upon receipt, a weekly report which includes a summary of the number of requests for exclusion, and, within seven (7) days after the Opt-Out Date, a final list of all that have timely and validly excluded themselves from the Settlement Class in accordance with the terms of the Settlement and herein. Prior to the Final Approval Hearing, the Claims Administrator

shall also prepare and execute a declaration identifying each Person who timely and validly requested exclusion from the Settlement.

Objections to the Settlement

(15) A Settlement Class Member that complies with the requirements of this Order may object to the Settlement.

(16) No Settlement Class Member shall be heard, and no papers, briefs, pleadings, or other documents submitted by any Settlement Class Member shall be received and considered by the Court, unless a written objection is submitted to the Clerk of Court and served concurrently on Settlement Class Counsel and Defendant's Counsel no later than 60 days after the Notice Date (the "Objection Date"). For the objection to be considered by the Court, the written objection must be filed with the Clerk of the Court, located at Mecklenburg County Courthouse, 832 East Fourth Street, Charlotte, North Carolina 28202 under the caption *Curran v. Honeywell International, Inc.*, Case No. 24-CV-013793-590 and include:

- a. the case name and number of the Litigation (*Curran v. Honeywell International Inc.*, Case No. 24-CV-013793-590 (Mecklenburg County));
- b. the full name, address, telephone number, and email address (if any) of the objecting Settlement Class Member;
- c. information identifying the objector as a Settlement Class Member, including proof that the objector is a member of the Settlement Class (*e.g.*, copy of notice, copy of original notice of the Data Incident);
- d. a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable;

- e. the identity of any and all counsel representing the objector in connection with the objection;
- f. a statement as to whether the objecting Settlement Class Member intends to appear at the Final Approval Hearing, and if so, whether personally or through counsel;
- g. a statement of whether the objection applies only to the objector, to a specific subset of the class, or to the entire class;
- h. a list, by case name, court, and docket number, of all other cases in which the objector and/or the objector's counsel has filed an objection to any proposed class action settlement within the last three (3) years;
- i. the objector's signature and the signature of the objector's duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation).

(17) In addition to the foregoing requirements, if an objecting Settlement Class Member intends to speak at the Final Approval Hearing (whether pro se or through an attorney), the written objection must include a detailed description of any evidence the objecting Settlement Class Member may offer at the Final Approval Hearing, as well as copies of any exhibits the objecting Settlement Class Member may introduce at the Final Approval Hearing.

(18) A written notice of objection may be either electronically filed in the Litigation's electronic docket on or before the Objection Date; or sent via first class, postage-prepaid United States Mail, postmarked no later than the Objection Date to (a) the Clerk of Court, (b) Settlement Class Counsel, and (c) Defendant's Counsel at the addresses below.

COURT	DEFENDANT'S COUNSEL	SETTLEMENT CLASS COUNSEL
Clerk of Court Mecklenburg County Courthouse 832 East Fourth St Charlotte, NC 28202	Greg Skidmore Jonathan Krisko ROBINSON BRADSHAW 101 N. Tryon St., Suite 1900 Charlotte, NC 28246	William Federman FEDERMAN & SHERWOOD 10205 N. Pennsylvania Ave. Oklahoma City, OK 73120 Kevin Laukaitis LAUKAITIS LAW LLC 954 Avenida Ponce De León, Suite 205, #10518 San Juan, PR 00907

(19) Any Settlement Class Member who fails to object to the Settlement in the manner described herein shall be deemed to have waived and forfeited any and all rights he or she may have to appear separately, object to, and/or seek review of the Settlement Agreement, and shall be bound by all terms of the Settlement Agreement and by all proceedings, orders, and judgments in the Litigation, including the Judgment.

Claims Process and Distribution Plan

(20) The Settlement establishes a process for assessing and determining the validity and value of claims and a methodology for paying Settlement Class Members that submit a timely, valid Claim Form. The Court preliminarily approves this process.

(21) Settlement Class Members that qualify for and wish to submit a Claim Form shall do so in accordance with the requirements and procedures specified in the Settlement Agreement, including the Claim Form. If the Settlement is finally approved, all Settlement Class Members that qualify for any benefit under the Settlement, but who fail to submit a claim in accordance with the requirements and procedures specified in the Settlement Agreement, including the Claim Form, shall be forever barred from receiving any such benefit. Such Class Members, however, will in all other respects be subject to and bound by the provisions of the Settlement Agreement, including

the releases included in the Settlement Agreement, and the Final Approval Order and Judgment.

Termination of the Settlement and Use of this Order

(22) This Order shall become null and void and shall be without prejudice to the rights of the Parties, all of which shall be restored to their respective positions existing immediately before this Court entered this Order, if the Settlement is not finally approved by the Court or is terminated in accordance with the terms of the Settlement Agreement. In such event, the Settlement shall become null and void and be of no further force and effect, and neither the Settlement Agreement (including any Settlement-related filings) nor the Court's orders, including this Order, relating to the Settlement shall be used or referred to for any purpose whatsoever.

(23) If the Settlement is not finally approved or there is no Effective Date under the terms of the Settlement, then this Order shall be of no force or effect; shall not be construed or used as an admission, concession, or declaration by or against Honeywell of any fault, wrongdoing, breach, or liability; shall not be construed or used as an admission, concession, or declaration by or against any Settlement Class Representative or any other Settlement Class Member that his or her claims lack merit or that the relief requested is inappropriate, improper, or unavailable; and shall not constitute a waiver by any party of any defense (including without limitation any defense to class certification) or claims he or she may have in this Litigation or in any other lawsuit.

Stay of Proceedings

(24) Except as necessary to effectuate this Order, this matter and any deadlines set by the Court in this matter are stayed and suspended pending the Final Approval Hearing and issuance of the Final Approval Order and Judgment, or until further order of this Court.

Continuance of Final Approval Hearing

(25) The Court reserves the right to adjourn or continue the Final Approval Hearing and related deadlines without further written notice to the Settlement Class. If the Court alters any of those dates or times, the revised dates and times shall be posted on the website maintained by the Claims Administrator.

Actions By Settlement Class Members

(26) The Court stays and enjoins, pending Final Approval of the Settlement, any actions, lawsuits, or other proceedings brought by Settlement Class Members against Honeywell related to the Data Incident.

Summary of Deadlines

(27) The Settlement, as preliminarily approved in this Order, shall be administered according to its terms pending the Final Approval Hearing. Deadlines arising under the Settlement and this Order include but are not limited to the following:

ACTION	DEADLINE
Notice Date	Thirty (30) days following the entry of this Preliminary Approval Order
Motion for Attorneys' Fees and Expenses and Service Awards	Fourteen (14) days prior to Objection Date and Opt-Out Date
Claims Date	Ninety (90) days after Notice Date
Opt-Out Date	Sixty (60) days after Notice Date

Objection Date	Sixty (60) days after Notice Date
Final Approval Brief and Response to Objections Due	At least fourteen (14) days prior to the Final Approval Hearing
Final Approval Hearing	No earlier than one hundred twenty (120) days after entry of this Preliminary Approval Order

IT IS SO ORDERED this ____ day of _____, 2024.

6/26/2024 9:45:18 AM



A handwritten signature in black ink, appearing to read 'John', is written over a horizontal line.