

STATE OF NEW YORK
SUPREME COURT

COUNTY OF RENSSELAER

JOHN DENIER, CHRISTOPHER GROARK, RONALD
BROAST, ROBERT E. DISHER, JR. and JESSICA PROPER,
Individually, and on behalf of all others similarly situated,

Plaintiffs,

-against-

TACONIC BIOSCIENCES, INC.

Defendant.

NOTICE OF ENTRY

Index No. 00255851

RJI No. 41-0444-2017

Hon. Andrew G. Ceresia

PLEASE TAKE NOTICE that, pursuant to CPLR 2220, the within is a true copy of the Final Order and Judgment Granting Final Approval of the Class Action Settlement, issued by the Rensselaer County Supreme Court (Hon. Andrew G. Ceresia, J.S.C.), executed on July 15, 2019, and entered in the Rensselaer County Clerk's Office on July 15, 2019.

Dated: July 15, 2019
Albany, New York

McNAMEE LOCHNER P.C.

By: 

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RENSSELAER

JOHN DENIER, CHRISTOPHER GROARK,
RONALD BROAST, ROBERT E. DISHER, JR. and
JESSICA PROPER individually and on behalf all
others similarly situated,

Index No. 00255851/2017

Hon. Andrew G. Ceresia, J.S.C.

Plaintiffs,

v.

TACONIC BIOSCIENCES, INC.,

Defendant.

Received
07/15/2019 09:56 AM
Frank J Merola
Rensselaer County Clerk

**FINAL ORDER AND JUDGMENT GRANTING
FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT**

Before the Court is Plaintiffs' unopposed motion requesting that the Court enter an Order granting final approval of the class action Settlement involving Plaintiffs John Denier, Christopher Groark, Ronald Broast, Robert E. Disher, Jr. and Jessica Proper (collectively, "Plaintiffs") and Defendant Taconic Biosciences, Inc. ("Defendant"), as fair, reasonable, and adequate.

Having reviewed and considered the Settlement Agreement and the motion for final approval of the settlement, and having conducted a Final Approval Hearing, the Court makes the findings and grants the relief set forth below approving the settlement upon the terms and conditions set forth in this Final Order and Judgment.

THE COURT not being required to conduct a trial on the merits of the case or determine with certainty the factual and legal issues in dispute when determining whether to approve a proposed class action settlement; and

THE COURT being required under New York CPLR § 908 to approve the dismissal, discontinuance or compromise of this action;

IT IS ON THIS 15th day of July, 2019,

ORDERED that:

1. The settlement involves allegations in Plaintiffs' Second Amended Class Action Complaint that Defendant failed to safeguard and protect the personally-identifiable information of its employees and that this alleged failure caused injuries to Plaintiffs and the Class.

2. The settlement does not constitute an admission of liability by Defendant, and the Court expressly does not make any finding of liability or wrongdoing by Defendant.

3. Unless otherwise noted, words spelled in this Order with initial capital letters have the same meaning as set forth in the Settlement Agreement.

4. On February 6, 2019, the Court entered the Order Certifying a Settlement Class, Preliminarily Approving Class Action Settlement, and Directing Notice to the Settlement Class ("Preliminary Approval Order"), which among other things: (a) provisionally certified a class in this matter, including defining the class, appointed Plaintiffs as Settlement Class Representatives, and appointed Settlement Class Counsel; (b) preliminarily approved the Settlement; (c) approved the form and manner of notice to the Settlement Class under the Notice Program set forth in the Settlement Agreement; (d) set deadlines for opt-outs and objections; (e) approved and appointed the Claims Administrator; and (f) set the date for the Final Approval Hearing.

5. In the Preliminary Approval Order, pursuant to CPLR § 902, for settlement purposes only, the Court certified the Settlement Class, defined as follows:

All current and former Taconic employees whose W-2 data was compromised as a result of the Data Disclosure which occurred on or about January 30, 2017.

Excluded from the Settlement Class are (i) all Persons who timely and validly request exclusion from the Settlement Class in accordance with the opt-out procedures set forth in the Settlement Agreement; and (ii) any Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Data Disclosure or who pleads *nolo contendere* to any such charge.

6. The Court, having reviewed the terms of the Settlement Agreement submitted by the parties, grants final approval of the Settlement Agreement and defines the Settlement Class as defined therein and in the Preliminary Approval Order, and finds that the settlement is fair, reasonable, and adequate and should be approved pursuant to CPLR §§ 901, 902, 908 and 909.

7. The Settlement Agreement provides, in part, and subject to a more detailed description of the settlement terms in that Agreement, for:

- a. A process for Settlement Class Members to submit claims for compensation as that will be evaluated by a Claims Administrator mutually agreed upon by Class Counsel and Defendant.
- b. Defendant to pay all Notice and Claims Administration costs.
- c. Defendant to pay a Court-approved amount for attorneys' fees, costs, and expenses of Class Counsel in the amount of \$410,000.00.
- d. Defendant to pay settlement awards not to exceed \$4,000 for each named Plaintiff.

8. The terms of the Settlement Agreement are fair, reasonable, and adequate and are hereby approved, adopted, and incorporated by the Court. The Parties, their respective attorneys, and the Claims Administrator are hereby directed to consummate the Settlement in accordance with this Order and the terms of the Settlement Agreement.

9. Notice of the Final Approval Hearing, the proposed application for attorneys' fees, costs, and expenses, and the proposed settlement award payments to the Plaintiffs have

been provided to Settlement Class Members as directed by this Court's Orders, and an affidavit or declaration of the Settlement Administrator's compliance with the Notice Program proof of Notice has been filed with the Court.

10. The Court finds that such Notice as therein ordered, constitutes the best possible notice practicable under the circumstances and constitutes valid, due, and sufficient notice to all Settlement Class Members in compliance with the requirements of the CPLR.

11. The Court finds that an attorneys' fees and expenses award to Settlement Class Counsel in the amount of Four Hundred Ten Thousand Dollars (\$410,000.00), to be paid by Defendant as set forth in the Settlement Agreement, is fair, reasonable and just pursuant to CPLR § 909.

12. As of the final date of the Opt-Out Period, no potential Settlement Class Members have submitted a valid Opt-Out Request to be excluded from the Settlement, and no potential Settlement Class Members have objected to the Settlement.

13. The Court has considered all the documents filed in support of the Settlement, and has fully considered all matters raised, all exhibits and affidavits filed, all evidence received at the Final Approval Hearing, all other papers and documents comprising the record herein, and all oral arguments presented to the Court.

14. Pursuant to the Settlement Agreement, Defendant, the Settlement Administrator, and the Claims Referee shall implement the Settlement in the manner and time frame as set forth therein.

15. Pursuant to the Settlement Agreement, Plaintiffs and the Settlement Class Members release claims against Defendant and all Released Persons, as defined in the Settlement Agreement, as follows:

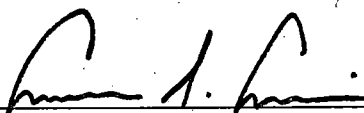
any and all past, present, and future claims, causes of action, counterclaims, lawsuits, rights, demands, charges, complaints, actions, obligations, or liabilities under any legal or equitable theory, whether known, unknown, suspected, or unsuspected or capable of being known or suspected, and whether, accrued, unaccrued, matured, or not matured, including but not limited to, negligence; negligence per se; breach of fiduciary duty; breach of contract; breach of implied contract; violations of any state consumer protection statute; breach of confidence; invasion of privacy; misrepresentation (whether fraudulent, negligent or innocent); unjust enrichment; bailment; wantonness; failure to provide adequate notice pursuant to any breach notification statute or common law duty; and any causes of action under 18 U.S.C. §§ 2701 *et seq.*, and all similar statutes in effect in any states in the United States as defined herein; and including, but not limited to, any and all claims for damages, injunctive relief, disgorgement, declaratory relief, equitable relief, attorneys' fees, costs and expenses, set-offs, losses, pre-judgment interest, credit monitoring services, the creation of a fund for future damages, statutory damages, punitive damages, special damages, exemplary damages, restitution, the appointment of a receiver, and any other form of relief that either has been asserted, or could have been asserted, by any Settlement Class Member against any of the Released Persons based on, relating to, concerning, or arising out of the Data Disclosure and alleged disclosure and compromise of any Settlement Class Member's personally identifiable information or any other allegations, facts, or circumstances described in the Action or the Complaint.

Released Claims shall not include the right of any Settlement Class Member or any of the Released Persons to enforce the terms of the Settlement contained in this Settlement Agreement, and shall not include the claims of those persons identified in Exhibit A to this Order who have timely and validly requested exclusion from the Settlement Class.

16. The matter is hereby dismissed with prejudice and without costs except that the Court reserves jurisdiction over the consummation and enforcement of the Settlement.

17. In accordance with the CPLR, this Final Order and Judgment resolves all claims against all parties in this action and is a final order. There is no just reason to delay the entry of final judgment in this matter and the Clerk is directed to file this Order as the final judgment in this matter.

7/15/19



Hon. Andrew G. Ceresia, J.S.C.