

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LINDA A. WOZNICKI,

Plaintiff,

Case No. 20-cv-1246-bhl

v.

AURORA HEALTH CARE INC,
THE BOARD OF DIRECTORS OF AURORA
HEALTH CARE INC,

Defendants.

**ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT**

Based on the parties' submissions in support of their Joint Motion for Preliminary Approval of Class Action Settlement, as well as the record as a whole,

IT IS HEREBY ORDERED:

1. The Joint Motion for Preliminary Approval of Class Action Settlement, ECF No. 52, is **GRANTED**. The Court finds that the terms negotiated by the parties and described in the Class Action Settlement Agreement (Settlement Agreement) appear to be a fair and reasonable resolution of a *bona fide* dispute between Aurora Health Care, Inc.; the Board Members of Aurora Health Care, Inc.; and John and Jane Does 1-30 (Defendants) and all affected employees of Defendants during the relevant timeframes.
2. The proposed settlement class is certified for settlement purposes pursuant to Fed. R. Civ. P. 23. The Court finds that this class meets the requirements of Fed. R. Civ. P. 23(a) and Fed. R. Civ. P. 23(b)(1). The class is defined as follows:

All participants and beneficiaries of the Aurora Health Care, Inc. Incentive Savings Plan beginning six (6) years before the commencement of this action and running through the Settlement Date, excluding the Defendants or any participant/beneficiary who is a fiduciary to the Plan.
3. Linda A. Woznicki shall serve as the representative for the certified Fed. R. Civ. P. 23 Settlement Class (Settlement Class).

4. The law firm of Walcheske & Luzi, LLC is appointed as class counsel for the Settlement Class.
5. Analytics Consulting, LLC (Analytics) shall be the Settlement Administrator responsible for carrying out the responsibilities set forth in the Settlement Agreement.
 - a. The Settlement Administrator shall be bound by any non-disclosure or security protocol jointly required by the parties, set forth in writing to the Settlement Administrator.
 - b. The Settlement Administrator shall use the data provided by Defendants and the Aurora Health Care, Inc. Incentive Savings Plan's (Plan) recordkeeper solely for the purpose of meeting its obligations as Settlement Administrator, and for no other purpose.
 - c. The settling parties shall have the right to approve a written protocol to be provided by the Settlement Administrator concerning how the Settlement Administrator will maintain, store, and dispose of information provided to it in order to ensure that reasonable and necessary precautions are taken to safeguard the privacy and security of such information.
6. The Court approves the text of the Class Notice attached as Exhibit B to the Settlement Agreement.
7. The Class Notice constitutes the best notice practicable under the circumstances; provides individual notice to all class members who can be identified with reasonable effort; and constitutes valid, due, and sufficient notice to class members in full compliance with the requirements of applicable law, including the Due Process Clause of the United States Constitution.
8. The Court approves the form of the Class Action Fairness Act (CAFA) Notice attached as Exhibit D to the Settlement Agreement and orders that upon the mailing of the CAFA Notice, Defendants shall have fulfilled their obligations under the Class Action Fairness Act, 28 U.S.C. §§1711, *et seq.*
9. The Settlement Administrator shall send by either email or first-class mail the appropriate Settlement Notice to each class member within forty-five (45) calendar

days of the date of this Order, as specified in the Settlement Agreement, based on data provided by the Plan's recordkeeper. The Class Notice shall be mailed by first-class mail, postage prepaid, to the last known address of each class member provided by the Plan's recordkeeper (or its designee), unless an updated address is obtained by the Settlement Administrator through its efforts to verify the last known addresses provided by the Plan's recordkeeper (or its designee). The Settlement Administrator shall use commercially reasonable efforts to locate any class member whose Class Notice is returned and remail such documents one additional time.

10. Pursuant to the Plan of Allocation in the Settlement agreement, class members will receive their settlement payment via check unless the class member elects to rollover the amount into a qualified retirement plan or individual retirement account.
11. On or before the date that Class Notices are sent to the settlement class, the Settlement Administrator shall establish a Settlement Website and telephone support line as provided by the Settlement Agreement. The Settlement Administrator shall post a copy of the Class Notice on the Settlement Website.
12. The Court will conduct a Fairness Hearing on **March 16, 2023 at 1:30 p.m.** in **Courtroom 320, 517 E Wisconsin Ave, Milwaukee, WI 53202** to determine whether the Settlement Agreement should be approved as fair, reasonable, and adequate; whether the Court should approve any motion for attorneys' fees and costs, administrative expenses, and class representative compensation; and whether the proposed final order approving the Settlement Agreement should be entered
13. Any objections to any aspect of the Settlement Agreement shall be heard, and any papers submitted in support of said objections shall be considered, by the Court at the Fairness Hearing, provided that such objections and papers have been timely sent to Class Counsel and Defendants' Counsel. To be timely, the objection and any supporting documents must be sent to Class Counsel and Defendants' Counsel at least twenty-eight (28) calendar days prior to the scheduled Fairness Hearing.
14. Any party may file a response to an objection by a class member at least fourteen (14) calendar days before the scheduled Fairness Hearing. Plaintiff shall file her Final Approval Motion at least fourteen (14) calendar days before the Fairness Hearing.

15. The Court may adjourn, modify, or continue the Fairness Hearing without further direct notice to the class members, other than by notice via the Court's docket or the Settlement Website.

Dated at Milwaukee, Wisconsin on November 22, 2022.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge