

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VINCIEN CURRIE, *individually and on  
behalf of all others similarly situated,*

Plaintiff,

v.

JOY CONE CO.,

Defendant.

**2:23-CV-00764-CCW**

**ORDER**

**AND NOW**, this 25th day of June 2024, upon consideration of Plaintiff's Unopposed Motion for Preliminary Approval for Class Action Settlement ("Motion"), ECF No. 33, the Settlement Agreement ("Agreement"), ECF No. 34-2, the Declaration of Raina C. Borrelli, ECF No. 34-1, the accompanying memorandum of law, ECF No. 34, and all other papers and proceedings herein, it is hereby **ORDERED** that:

1. The Motion is **GRANTED**, and the settlement of this action is preliminarily approved for the reasons given in the opinion accompanying this order. The proposed settlement class is provisionally certified pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3). The settlement class is defined as follows: "Persons residing in the United States whose PII was compromised in the Joy Cone Data Security Incident that occurred on or around February 27, 2023." ECF No. 33-1 at 2.

2. The "Notice of Settlement" form ("Notice Form") attached to the Agreement as Exhibit A and the notice protocols described in paragraph 5 of the Agreement are approved pursuant to Rule 23(c)(2)(B).

3. On or before **July 9, 2024**, counsel for Joy Cone shall provide the claims

administrator a list of the Settlement Class Members as specified in paragraph 5.3 of the Agreement.

4. On or before **July 25, 2024**, the claims administrator shall send the Notice Form to all class members as set forth in Exhibit A to the Agreement.

5. On or before **July 25, 2024**, the claims administrator shall create a settlement website and make available the required documents as specified in paragraph 5.7 of the Agreement.

6. On or before **September 23, 2024**, class members who wish to exclude themselves from the settlement shall mail their written request for exclusion, following the procedures described in paragraph 6 of the Agreement and on the Notice Form. All Class Members who do not personally and timely request to be excluded from the class are enjoined from proceeding against the Defendant on the claims in this action and settlement in accordance with the terms of the Agreement.

7. On or before **September 23, 2024**, class members who wish to object to the settlement shall mail their written objections, following the procedures described in paragraph 7 of the Agreement and on the Notice Form.

8. Raina C. Borrelli of Strauss Borrelli PLLC (908 N Michigan Avenue, Suite 1610, Chicago, Illinois 60611) is appointed interim class counsel per Rule 23(g)(3) and shall ensure that the notice process contemplated by the Agreement is followed.

9. On or before **October 23, 2024**, class members who are to get any benefits under the Agreement must submit a claim following the procedures set forth on the Notice Form.

10. Pursuant to Rule 23(e)(2), a hearing addressing final approval of the settlement (the "Fairness Hearing") will be held on **December 5, 2024**, at 1:00 p.m. via telephonic

conference. During this hearing, the Court will hear from any objectors or other class members who wish to address the Court and will hear argument from class counsel regarding, *inter alia*, the following issues: whether the settlement warrants final approval under Civil Rule 23(e)(2); whether the service award should be approved; and whether the attorney's fees and costs sought by class counsel should be approved under Rule 23(h). This hearing shall be subject to adjournment by the Court without further notice to class members other than that which may be posted by the Court.

11. On or before **November 4, 2024**, class counsel shall file all papers in support of the final approval of the settlement and the associated issues described in paragraph 10 above.

BY THE COURT:

/s/ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
United States District Judge

cc (via ECF email notification):

All Counsel of Record