Mecklenburg County Clerk of Superior Court

**STATE OF NORTH CAROLINA**
**MECKLENBURG COUNTY**

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 25 CVS 057073-590

JULIE ROBERTS, by and through her appointed representative, COLIN ROBERTS, JUDITH SIGMON, DARIELLE HILL, and CHRISANNA BROWN, *individually and on behalf of all others similarly situated*,

Plaintiffs,

v.

THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY (d/b/a ATRIUM HEALTH),

Defendant.

**[PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT**

FILED
DATE: October 5, 2026
TIME: 11:20:22 AM
MECKLENBURG COUNTY
CLERK OF SUPERIOR COURT
BY: R. Lawson

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Before the Court are Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards for Class Representatives ("Motion for Fees") and Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement ("Unopposed Motion for Final Approval"), requesting that the Court enter a Final Approval Order and Judgment ("Final Approval Order and Judgment") involving Plaintiffs Julie Roberts, by and through her appointed representative Colin Roberts, Judith Sigmon, Darielle Hill, and Chrisanna Brown ("Plaintiffs"), individually and on behalf of all others similarly situated, and Defendant The Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health ("Defendant" or "CMHA") (collectively, the "Parties"), as fair, reasonable, adequate, and in the best interests of the Settlement Class.

Having reviewed and considered the Settlement Agreement, Motion for Fees, and the Unopposed Motion for Final Approval, 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 Approval 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 North Carolina Rule of Civil Procedure 23 to make the findings and conclusions hereinafter set forth for the limited purpose of determining whether the Settlement should be approved as being fair, reasonable, adequate, and in the best interests of the Settlement Class; and

THE COURT having considered all the documents filed in support of the Settlement, and having 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;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The Settlement involves allegations of CMHA using Tracking Tools in its Web Properties, including its Patient Portal and Website, which allegedly resulted in the Alleged Pixel Disclosure. Plaintiffs claim that CMHA's implementation and use of Tracking Tools resulted in the alleged invasion of Plaintiffs' and Class Members' privacy and other common law and statutory violations.

2. Neither the Settlement, nor the Settlement Agreement, constitute an admission of a violation by CMHA of any statute or law or of liability on the claims or allegations in this action or any other similar claims in other proceedings, or that any such claims would be suitable for class treatment.

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

4. On May 22, 2026, the Court entered its Second Revised Preliminary Approval Order, which, among other things: (a) approved the Notice to the Settlement Class, including approval of the form and manner of Notice under the notice program set forth in the Settlement Agreement; (b) conditionally certified the Settlement Class for settlement purposes only; (c) appointed Plaintiffs as Class Representatives; (d) appointed Class Counsel; (e) preliminarily approved the Settlement Agreement and the Settlement; (f) set deadlines for opt-outs and objections; (g) appointed Kroll Settlement Administration LLC as Settlement Administrator; and (h) set the date for the Final Approval Hearing.

5. In the Second Revised Preliminary Approval Order, the Court conditionally certified the Settlement Class in this matter defined as follows:

> All individuals residing in the United States who had accounts in Defendant's Patient Portal between January 1, 2015 and April 10, 2024.

Excluded from the Settlement Class are: (i) Defendant, any entity in which Defendant has a controlling interest, and Defendant's affiliates, parents, subsidiaries, officers, directors, legal representatives, successors, and assigns; (ii) any judge, justice, or

judicial officer presiding over the Litigation and the members of their immediate families and judicial staff; and (iii) any individual who timely and validly excludes themselves from the Settlement. Therefore, the Court finally certifies the Settlement Class, as defined above and in the Second Revised Preliminary Approval Order.

6. The Court, having reviewed the terms of the Settlement Agreement submitted by the Parties, grants Final Approval of the Settlement Agreement and Settlement. The Court finds that the Settlement is fair, reasonable, adequate, and in the best interest of the Settlement Class Members.

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

a. A non-reversionary Settlement Fund of $1,500,000.00, funded by Defendant, from which Class Members who submitted Group 1 Valid Claims will receive pro rata Group 1 Settlement Payments, and from which the Court-approved Service Awards, the Attorneys' Fees and Expenses Award, and the Administration Costs for Group 1 Claims will be paid (Settlement Agreement ¶¶ 19–26);

b. Group 2 Settlement Payments of $10.00 each, paid by Defendant to Class Members who submitted Group 2 Valid Claims, subject to an aggregate cap of $300,000.00 and pro rata reduction, with Defendant separately paying the Administration Costs for Group 2 Claims (Settlement Agreement ¶¶ 27–31);

c. A claims process administered by the Court-appointed Settlement Administrator, Kroll Settlement Administration LLC (Settlement Agreement ¶¶ 37–49);

d. Distribution of any Residual Funds to the Charitable Healthcare Recipient, the Charlotte Center for Legal Advocacy's Carolinas Medical Legal Partnership (Settlement Agreement ¶ 48); and

e. A release by Plaintiffs and all Class Members of the Released Claims against the Released Persons (Settlement Agreement ¶¶ 85–92).

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 Settlement Administrator are hereby directed to consummate the Settlement in accordance with this Final Approval Order and Judgment and the terms of the Settlement Agreement.

9. Notice of the Settlement, the Final Approval Hearing, and Class Counsel's Motion for Fees has been provided to Settlement Class Members as directed by the Second Revised Preliminary Approval Order, and a declaration of the Settlement Administrator confirming compliance with the Notice Program has been filed with the Court.

10. The Court finds that the Notice Program (a) fully and accurately informed Class Members entitled to notice of the material elements of the Settlement, including their rights to object to or exclude themselves from the Settlement; (b) constituted the best notice practicable under the circumstances; (c) constituted valid, due, and sufficient notice to Class Members; and (d) complied with the laws of North Carolina, the United States Constitution, and any other applicable law.

11. The deadline for Settlement Class Members to object to, or to exclude themselves from, the Settlement has passed.

12. Four objections were submitted by Settlement Class Members. The Court has considered each objection and finds that none demonstrates that the Settlement is unfair, unreasonable, or inadequate. The objections are hereby overruled in all respects.

13. All Settlement Class Members who have not objected to the Settlement Agreement in the manner provided in the Settlement Agreement and the Second Revised Preliminary Approval Order are deemed to have waived any objections by appeal, collateral attack, or otherwise, and are bound by the Settlement Agreement and this Final Approval Order and Judgment.

14. As of September 14, 2026, 20 Settlement Class Members submitted Requests for Exclusion. Those persons are identified by Class Member ID in Exhibit A to this Final Approval Order and Judgment, are excluded from the Settlement Class, and are not bound by the Settlement Agreement or this Final Approval Order and Judgment.

15. 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.

16. Pursuant to the Second Revised Preliminary Approval Order, the Parties and the Settlement Administrator have implemented the Settlement in the manner and timeframe as set forth therein.

17. The Court approves the appointment of Plaintiffs Julie Roberts, by and through her appointed representative Colin Roberts, Judith Sigmon, Darielle Hill, and Chrisanna Brown as Class Representatives.

18. The Court approves the appointment of David M. Wilkerson of Wilkerson Justus PLLC, David S. Almeida of Almeida Law Group LLC, and Brandon M. Wise of Peiffer Wolf Carr Kane Conway & Wise LLP as Class Counsel.

19. The Court hereby grants the Plaintiffs' Motion for Fees, finds that the amounts sought are fair and reasonable, and awards Class Counsel attorneys' fees in the amount of $500,000, reimbursement of litigation expenses in the amount of $15,711.33, and service awards in the amount of $2,500 for each Class Representative ($10,000.00 total), all to be paid from the Settlement Fund in accordance with Paragraphs 67 and 68 of the Settlement Agreement.

20. As of the Effective Date, and except as to those persons identified in Exhibit A to this Final Approval Order and Judgment, Plaintiffs and all Class Members, and each of the other Releasing Persons, shall be deemed to have, and by operation of this Final Approval Order and Judgment shall have, fully, finally, and forever released, relinquished, and discharged the Released Persons from any and all Released Claims, including Unknown Claims, as those terms are defined in Paragraphs 15 and 85 through 92 of the Settlement Agreement, which are incorporated herein by reference as though fully set forth. The Released Claims shall be barred by principles of res judicata, collateral estoppel, and claim and issue preclusion. For the avoidance of doubt, no claims for medical negligence involving personal injury are included in the Released Claims.

21. Plaintiffs and all Class Members who have not been excluded from the Settlement Class, and anyone acting or purporting to act on their behalf, are hereby

permanently enjoined from prosecuting any Released Claims in any proceeding in any forum against any of the Released Persons.

22. If the Effective Date does not occur for any reason, this Final Approval Order and Judgment shall be vacated, and the Parties shall be restored to their respective positions as provided in Paragraph 83 of the Settlement Agreement.

23. The Litigation is hereby dismissed with prejudice without costs to any Party except as provided in the Settlement Agreement.

24. This Final Approval Order and Judgment resolves all claims against all parties in the Litigation and is a final judgment. There is no just reason to delay the entry of final judgment in this matter, and the Clerk is directed to file this Final Approval Order and Judgment as the final judgment in this matter.

IT IS SO ORDERED this ____ day of 10/4/2026, 2026.

10/4/2026 7:26:12 AM

Athena F. Brooks

Superior Court Judge Presiding