

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Mikolaitis v. Ward Transport & Logistics Corp.

Mikolaitis · No. 2:24-CV-01565-CCW · Decided December 12, 2025

SUMMARY

The United States District Court for the Western District of Pennsylvania preliminarily approved a class action settlement arising from a data breach allegedly affecting personally identifiable information held by Ward Transport & Logistics Corp. The Court provisionally certified a settlement class under Federal Rule of Civil Procedure 23, approved the proposed notice plan, appointed class counsel, and adopted opt-out and objection procedures. The Court also set a fairness hearing and related deadlines.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Christy Criswell Wiegand
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	December 12, 2025
DOCKET	2:24-CV-01565-CCW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for preliminary approval of an unopposed class action settlement, provisional certification of a settlement class, approval of the notice plan, appointment of class counsel, adoption of opt-out and objection procedures, and scheduling of a fairness hearing.
STANDARD OF REVIEW	At the preliminary approval stage, the court conducts a preliminary fairness evaluation and determines whether the proposed settlement discloses grounds to doubt its fairness, obvious deficiencies, undue preferential treatment, or excessive attorney compensation, and whether it falls within the range of possible approval. The court must also make a preliminary determination that the proposed settlement class satisfies Federal Rule of Civil Procedure 23(a) and at least one subsection of Rule 23(b).
PRECEDENTIAL VALUE	Unknown; district court opinion preliminarily approving a class settlement and provisionally certifying a settlement class.

TOPICS

class actions civil procedure consumer protection negligence

PRACTICE AREAS

class action settlement data breach litigation consumer protection negligence civil procedure

QUESTIONS PRESENTED

1. Whether the proposed class action settlement should receive preliminary approval under Federal Rule of Civil Procedure 23(e).
2. Whether the proposed settlement class should be provisionally certified under Federal Rule of Civil Procedure 23(a) and Rule 23(b)(3).
3. Whether the proposed notice plan satisfies the notice requirements of Federal Rule of Civil Procedure 23(c)(2)(B) and Rule 23(e)(1)(B).
4. Whether the proposed service award and potential attorney-fee award presented an obvious deficiency precluding preliminary approval.

HOLDINGS

1. The proposed settlement was preliminarily approved because the negotiations occurred at arm's length, the parties had conducted sufficient informal discovery, counsel had relevant experience, no obvious deficiencies appeared, and the settlement fell within the range of possible approval under Rule 23(e).
2. The court provisionally certified, for settlement purposes only, a Rule 23(b)(3) class consisting of all individuals residing in the United States whose personally identifiable information was affected by the data-breach incident.
3. The proposed notice plan was reasonable and complied with Rule 23, and notice was ordered to be given consistently with the settlement agreement.

KEY QUOTATIONS

“preliminary approval is not simply a judicial ‘rubber stamp’ of the parties’ agreement.” (Opinion § III.A)

“The Court finds for the purposes of preliminary approval that the proposed settlement appears to be ‘fair, reasonable, and adequate’ pursuant to Rule 23(e)(2).” (Opinion § III.A)

FACTUAL BACKGROUND

The case arose from a March 3, 2024 cyberattack and data breach at Ward Transport & Logistics Corp., a former employer of Plaintiff Patrick Mikolaitis. Plaintiff alleged that Ward failed to implement adequate cybersecurity measures to protect personally identifiable information, including names, addresses, Social Security numbers, and other personal and financial information belonging to employees and consumers. The proposed settlement provided up to \$5,000 for documented losses, a credit-monitoring equivalent for eligible claimants, credit monitoring for claimants who did not elect the cash alternative, and an aggregate claims cap of \$350,000.

PROCEDURAL HISTORY

Plaintiff filed a class action complaint concerning a data breach allegedly exposing personally identifiable information and later amended the complaint as of right. After the parties exchanged informal discovery and participated in mediation, they reached a tentative settlement. The district court granted preliminary approval, provisionally certified the class for settlement purposes, approved the notice plan, appointed class counsel, adopted the proposed procedures, and set a fairness hearing and related deadlines.

DISPOSITION

other

CASES CITED

- *Torres v. Brandsafway Indus. LLC*, Civ. A. No. 2:21-CV-01771-CCW, 2023 WL 346667, at *1 (W.D. Pa. Jan. 20, 2023)
- *In re NFL Players' Concussion Injury Litig.*, 775 F.3d 570, 581-83 (3d Cir. 2014)
- *In re NFL Players' Concussion Injury Litig.*, 961 F. Supp. 2d 708, 713-14 (E.D. Pa. 2014)
- *Thomas v. NCO Fin. Sys.*, Civ. A. No. 00-5118, 2002 WL 1773035, at *5 (E.D. Pa. 2002)
- *In re GMC Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768, 785 (3d Cir. 1995)
- *Ehrheart v. Verizon Wireless*, 609 F.3d 590, 594-95 (3d Cir. 2010)
- *Zimmerman v. Zwicker & Assocs., P.C.*, Civ. A. No. 09-3905 (RMB/JS), 2011 WL 65912, at *2 (D.N.J. 2011)
- *In re Warfarin Sodium Antitrust Litig.*, 391 F.3d 516, 533-34 (3d Cir. 2004)
- *Ward v. Flagship Credit Acceptance LLC*, Civ. A. No. 17-2069, 2020 WL 759389, at *4-5 (E.D. Pa. 2020)
- *Lewis-Abdulhaadi v. Union Sec. Insurance Co.*, Civ. A. No. 21-cv-03805-WB, 2025 WL 1510577, at *2 (E.D. Pa. 2025)
- *In re: Google Inc. Cookie Placement Consumer Priv. Litig.*, 934 F.3d 316, 322 n.2 (3d Cir. 2019)
- *Holden v. Guardian Analytics, Inc.*, Civ. A. No. 2:230-cv-2115, 2024 WL 2845392, at *11-12 (D.N.J. June 5, 2024)
- *In re Nat'l Football League Players' Concussion Inj. Litig.*, Civ. A. No. 2:12-MD-02323-AB, 2019 WL 13174540, at *17 (E.D. Pa. 2019)
- *Dunn v. H. K. Porter Co., Inc.*, 602 F.2d 1105, 1109 (3d Cir. 1979)
- *Stewart v. Abraham*, 275 F.3d 220, 226-27 (3d Cir. 2001)
- *Reyes v. Netdeposit, LLC*, 802 F.3d 469, 486 (3d Cir. 2015)
- *In re NFL Players Concussion Injury Litig.*, 821 F.3d 410, 428 (3d Cir. 2016)
- *In re Chocolate Confectionary Antitrust Litig.*, 289 F.R.D. 200, 218 (M.D. Pa. 2012)
- *New Directions Treatment Servs. v. City of Reading*, 490 F.3d 293, 313 (3d Cir. 2007)
- *Reinig v. RBS Citizens, N.A.*, 912 F.3d 115, 127-28 (3d Cir. 2018)
- *Bredbenner v. Liberty Travel, Inc.*, Civ. A. Nos. 09-905(MF), 09-1248(MF), 09-4587(MF), 2011 WL 1344745, at *10 (D.N.J. 2021)

- In re Philadelphia Inquirer Data Sec. Litig., Civ. A. No. 24-2106-KSM, 2024 WL 4582881, at *11 (E.D. Pa. 2024)
- In re Onix Grp., LLC Data Breach Litig., Civ. A. No. 23-2288-KSM, 2024 WL 3015528, at *11 (E.D. Pa. 2024)
- Clemens v. ExecuPharm, Inc., Civ. A. No. 20-3383, 2024 WL 4530310, at *5 (E.D. Pa. 2024)
- Currie v. Joy Cone, Civ. A. No. 2:23-CV-00764-CCW, 2024 WL 3157870, at *4 (W.D. Pa. June 25, 2024)
- Braun v. Philadelphia Inquirer, LLC, Civ. A. No. 22-cv-4185-JMY, 2025 WL 1314089, at *13 (E.D. Pa. 2025)
- Girsh v. Jenson, 521 F.2d 153, 157 (3d Cir. 1975)

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